

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 881

97TH GENERAL ASSEMBLY

1978H.03P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 43.543, 59.319, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 256.117, 256.710, 260.200, 260.205, 260.247, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 261.023, 319.129, 319.132, 640.010, 640.017, 640.075, 640.715, 643.079, and 644.051, RSMo, and to enact in lieu thereof fifty-two new sections relating to the department of natural resources, with penalty provisions and an emergency clause.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 43.543, 59.319, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 256.117, 256.710, 260.200, 260.205, 260.247, 260.379, 260.380, 260.390, 260.395, 260.434, 260.475, 261.023, 319.129, 319.132, 640.010, 640.017, 640.075, 640.715, 643.079, and 644.051, RSMo, are repealed and fifty-two new sections enacted in lieu thereof, to be known as sections 43.543, 59.319, 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.090, 256.117, 256.710, 260.200, 260.205, 260.247, 260.380, 260.390, 260.395, 260.475, 261.023, 319.129, 319.132, 537.556, 640.010, 640.017, 640.065, 640.075, 640.080, 640.230, 640.715, 640.900, 643.079, 644.029, 644.051, 644.057, 644.062, 1, 2, and 3, to read as follows:

43.543. Any state agency listed in section 621.045, the division of professional registration of the department of insurance, financial institutions and professional registration, the department of social services, the supreme court of Missouri, the state courts administrator, the department of elementary and secondary education, **the department of natural resources**, the Missouri lottery, the Missouri gaming commission, or any state, municipal, or county agency which screens persons seeking employment with such agencies or issuance or renewal of a

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

7 license, permit, certificate, or registration of authority from such agencies; or any state,  
8 municipal, or county agency or committee, or state school of higher education which is  
9 authorized by state statute or executive order, or local or county ordinance to screen applicants  
10 or candidates seeking or considered for employment, assignment, contracting, or appointment  
11 to a position within state, municipal, or county government; or the Missouri peace officers  
12 standards and training, POST, commission which screens persons, not employed by a criminal  
13 justice agency, who seek enrollment or access into a certified POST training academy police  
14 school, or persons seeking a permit to purchase or possess a firearm for employment as a  
15 watchman, security personnel, or private investigator; or law enforcement agencies which screen  
16 persons seeking issuance or renewal of a license, permit, certificate, or registration to purchase  
17 or possess a firearm shall submit two sets of fingerprints to the Missouri state highway patrol,  
18 Missouri criminal records repository, for the purpose of checking the person's criminal history.  
19 The first set of fingerprints shall be used to search the Missouri criminal records repository and  
20 the second set shall be submitted to the Federal Bureau of Investigation to be used for searching  
21 the federal criminal history files if necessary. The fingerprints shall be submitted on forms and  
22 in the manner prescribed by the Missouri state highway patrol. Fees assessed for the searches  
23 shall be paid by the applicant or in the manner prescribed by the Missouri state highway patrol.  
24 Notwithstanding the provisions of section 610.120, all records related to any criminal history  
25 information discovered shall be accessible and available to the state, municipal, or county agency  
26 making the record request.

59.319. 1. A user fee of four dollars shall be charged and collected by every recorder  
2 in this state, over and above any other fees required by law, as a condition precedent to the  
3 recording of any instrument. The state portion of the fee shall be forwarded monthly by each  
4 recorder of deeds to the state director of revenue, and the fees so forwarded shall be deposited  
5 by the director in the state treasury. Two dollars of such fee shall be retained by the recorder and  
6 deposited in a recorder's fund and not in county general revenue for record storage, microfilming,  
7 and preservation, including anything necessarily pertaining thereto. The recorder's funds shall  
8 be kept in a special fund by the treasurer and shall be budgeted and expended at the direction of  
9 the recorder and shall not be used to substitute for or subsidize any allocation of general revenue  
10 for the operation of the recorder's office without the express consent of the recorder. The  
11 recorder's fund may be audited by the appropriate auditing agency, and any unexpended balance  
12 shall be left in the fund to accumulate from year to year with interest.

13 2. An additional fee of three dollars shall be charged and collected by every recorder in  
14 this state, over and above any other fees required by law, as a condition precedent to the  
15 recording of any instruments specified in subdivisions (1) and (2) of section 59.330. The fees  
16 collected from this additional three dollars per recorded instrument shall be forwarded monthly  
17 by each recorder of deeds to the state director of revenue, and the fees so forwarded shall be  
18 deposited by the director in the state treasury.

19           3. The state treasurer and the commissioner of administration shall establish an  
20 appropriate account within the state treasury and in accordance with the state's accounting  
21 methods. Any receipt required by this section to be deposited in the state treasury shall be  
22 credited as follows:

23           (1) The amount of one dollar for each fee collected under subsection 1 of this section  
24 shall be paid to the state treasurer and credited to the "Missouri Land Survey Fund" which is  
25 hereby created to be utilized for the purposes of sections 60.510 to 60.620 and section 60.670.  
26 The state treasurer shall be custodian of the fund and may approve disbursements from the fund  
27 in accordance with sections 30.170 and 30.180. Any funds previously collected by the state  
28 treasurer to be utilized for the purposes of sections 60.510 to 60.620 and section 60.670 shall  
29 transfer to the Missouri land survey fund. Any portion of the fund not immediately needed for  
30 the purposes authorized shall be invested by the state treasurer as provided by the constitution  
31 and laws of this state. All income, interest, and moneys earned from such investments shall be  
32 deposited in the Missouri land survey fund. Any unexpended balance in the fund at the end of  
33 the fiscal year is exempt from the provisions of section 33.080 relating to the transfer of  
34 unexpended balances to the general revenue fund. **Notwithstanding any provision of law to  
35 the contrary, the expenses of administering the fund shall not exceed ten percent of the  
36 previous year's revenue deposited into the fund;**

37           (2) The amount of one dollar for each fee collected under subsection 1 of this section to  
38 an account to be utilized by the secretary of state for additional preservation of local records; and

39           (3) The amount of three dollars collected under subsection 2 of this section into the  
40 Missouri housing trust fund as designated in section 215.034.

60.185. The county surveyor of every county or city shall:

2           (1) Keep a fair and correct record of all surveys made by himself and his deputies, in a  
3 well-bound book, with a convenient index, to be procured at the expense of the county or city  
4 for that purpose, which books and indexes shall be the property of such county or city, and shall  
5 be known as the county surveyor's plat book, and every such surveyor shall record in such book  
6 a plat of all surveys executed by him or his deputies, within two weeks after the plat of survey  
7 has been certified to, and such books shall be kept at the county seat or city hall and subject to  
8 inspection by any person interested therein, under the supervision of the county surveyor for such  
9 county or city;

10           (2) Number his surveys progressively;

11           (3) Deliver a copy of any plat of survey to any person requiring such a copy, on payment  
12 of an amount equal to the fees allowed to the recorder of deeds for such a document, so long as  
13 such records shall remain in his possession, and after such record shall have been deposited in  
14 the office of the recorder of deeds, the recorder shall, on the request of anyone and on payment  
15 of his fees for such service, deliver to such person a duly certified copy of such records under the  
16 seal of his office, which shall be accepted as evidence, to all intents and purposes, as the  
17 originals themselves;

18 (4) Maintain a copy of corner restoration documents as required in section 60.321 when  
19 provided by the Missouri department of [natural resources] **agriculture**, and subject to  
20 inspection and copying by any person interested therein during the normal office hours of the  
21 county on payment of the fees allowed to the recorder for similar documents.

60.195. The several county commissions in this state are hereby authorized, in all cases  
2 wherein they shall consider it to be the interest of their counties, to obtain from the Missouri  
3 department of [natural resources] **agriculture** a certified copy of so much of the field notes of  
4 all surveys lying within their counties, respectively, which have been and may be made by the  
5 United States, as relates to the description of the township, section, fractional section, quarter  
6 section and legal subdivisional corners, the variation of the needle at which the east and west  
7 boundaries of township or range lines were run, the length of the north and south, as well as east  
8 and west sectional lines; also, the fallings of all east and west township and sectional lines the  
9 same to be filed in the office of the county surveyor of their counties, respectively.

60.301. Whenever the following words and terms are used in this chapter they shall have  
2 the following meaning unless the context clearly indicates that a different meaning is intended:

3 (1) "Corners of the United States public land survey", those points that determine the  
4 boundaries of the various subdivisions represented on the official plat such as the township  
5 corner, the section corner, the quarter-section corner, grant corner and meander corner;

6 (2) "Existent corner", a corner whose position can be identified by verifying the evidence  
7 of the original monument or its accessories, or by some physical evidence described in the field  
8 notes, or located by an acceptable supplemental survey record or some physical evidence thereof,  
9 or by testimony. The physical evidence of a corner may have been entirely obliterated but the  
10 corner will be considered existent if its position can be recovered through the testimony of one  
11 or more witnesses who have a dependable knowledge of the original location. A legally  
12 reestablished corner shall have the same status as an existent corner;

13 (3) "Lost corner", a corner whose position cannot be determined, beyond reasonable  
14 doubt, either from traces of the original marks or from acceptable evidence or testimony that  
15 bears upon the original position;

16 (4) "Monument", the physical object which marks the corner point determined by the  
17 surveying process. The accessories, such as bearing trees, bearing objects, reference monuments,  
18 mounds of stone and other similar objects that aid in identifying the corner position, are also  
19 considered a part of a corner monument;

20 (5) "Obliterated, decayed or destroyed corner", an existent corner at whose point there  
21 are no remaining traces of the original monument or its accessories, but whose location has been  
22 perpetuated by subsequent surveys, or the point may be recovered beyond reasonable doubt by  
23 the acts and testimony of local residents, competent surveyors, other qualified local authorities  
24 or witnesses, or by some acceptable record evidence. A position that depends upon the use of  
25 collateral evidence can be accepted only if duly supported, generally through proper relation to

26 known corners, and agreement with the field notes regarding distances to natural objects, stream  
27 crossings, line trees, etc., or unquestionable testimony;

28 (6) "Original government survey", that survey executed under the authority of the United  
29 States government as recorded on the official plats and field notes of the United States public  
30 land survey maintained by the Missouri department of [natural resources] **agriculture**;

31 (7) "Proportionate measurement", a measurement of a line that gives equal relative  
32 weight to all parts of the line. The excess or deficiency between two existent corners is so  
33 distributed that the amount of excess or deficiency given to each interval bears the same  
34 proportion to the whole difference as the record length of the interval bears to the whole record  
35 distance:

36 (a) "Single proportionate measurement", a measurement of a line applied to a new  
37 measurement made between known points on a line to determine one or more positions on that  
38 line;

39 (b) "Double proportionate measurement", a measurement applied to a new measurement  
40 made between four known corners, two each on intersecting meridional and latitudinal lines, for  
41 the purpose of relating the intersection to both. The procedure is described as follows: First,  
42 measurements will be made between the nearest existent corners north and south of the lost  
43 corner. A temporary point will be determined to locate the latitude of the lost corner on the  
44 straight line connecting the existent corners and at the proper proportionate distance. Second,  
45 measurements will be made between the nearest existent corners east and west of the lost corner.  
46 A temporary point will be determined to locate the longitude of the lost corner on the straight  
47 line connecting the existent corners and at the proportionate distance. Third, determine the  
48 location of the lost corner at the intersection of an east-west line through the point determining  
49 the latitude of the lost corner with a north-south line through the point determining the longitude  
50 of the lost corner. When the total length of the line between the nearest existing corners was not  
51 measured in the original government survey, the record distance from one existing corner to the  
52 lost corner will be used instead of the proportionate distance. This exception will apply to either  
53 or both of the east-west or north-south lines;

54 (8) "Record distance", the distance or length as shown on the original government  
55 survey. In determining record distances, consideration shall be given as to whether the distance  
56 was measured on a random or true line.

60.321. For the purpose of perpetuating the corners of the United States public land  
2 survey, every surveyor who reestablishes a lost corner or restores an existent corner shall  
3 monument the corner and shall file an instrument showing such reestablishment or restoration  
4 with the Missouri department of [natural resources] **agriculture**, in accordance with the  
5 specifications and procedures adopted by the Missouri department of [natural resources]  
6 **agriculture**. Any surveyor who willfully and knowingly fails to perpetuate corners in  
7 accordance with this section is guilty of misconduct in the practice of land surveying.

60.451. 1. For the purpose of more precisely defining the Missouri coordinate system of 1927, the following definition by the United States Coast and Geodetic Survey is adopted:

(1) The Missouri coordinate system of 1927, east zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 90 degrees -- 30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 90 degrees -- 30 minutes west of Greenwich and the parallel 35 degrees -- 50 minutes north latitude. This origin is given the coordinates:  $x = 500,000$  feet and  $y = 0$  feet;

(2) The Missouri coordinate system of 1927, central zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 92 degrees -- 30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 92 degrees -- 30 minutes west of Greenwich and the parallel of 35 degrees -- 50 minutes north latitude. This origin is given the coordinates:  $x = 500,000$  feet and  $y = 0$  feet;

(3) The Missouri coordinate system of 1927, west zone, is a transverse Mercator projection of the Clarke spheroid of 1866, having a central meridian 94 degrees -- 30 minutes west of Greenwich, on which meridian the scale is set at one part in seventeen thousand too small. The origin of coordinates is at the intersection of the meridian 94 degrees -- 30 minutes west of Greenwich and the parallel 36 degrees -- 10 minutes north latitude. This origin is given the coordinates:  $x = 500,000$  feet and  $y = 0$  feet.

2. For purposes of more precisely defining the Missouri coordinate system of 1983, the following definition by the National Ocean Survey/National Geodetic Survey is adopted:

(1) The Missouri coordinate system 1983, east zone, is a transverse Mercator projection of the North American Datum of 1983 having a central meridian 90 degrees -- 30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 90 degrees -- 30 minutes west of Greenwich and the parallel 35 degrees -- 50 minutes north latitude. This origin is given the coordinates:  $x = 250,000$  meters and  $y = 0$  meters;

(2) The Missouri coordinate system 1983, central zone, is a transverse Mercator projection of the North American Datum of 1983 having a central meridian 92 degrees -- 30 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The origin of coordinates is at the intersection of the meridian 92 degrees -- 30 minutes west of Greenwich and the parallel of 35 degrees -- 50 minutes north latitude. This origin is given the coordinates:  $x = 500,000$  meters and  $y = 0$  meters;

(3) The Missouri coordinate system 1983, west zone, is a transverse Mercator projection of the North American Datum of 1983 having a central meridian 94 degrees -- 30 minutes west of Greenwich, on which meridian the scale is set at one part in seventeen thousand too small. The origin of coordinates is at the intersection of the meridian 94 degrees -- 30 minutes west of

39 Greenwich and the parallel 36 degrees -- 10 minutes north latitude. This origin is given the  
40 coordinates:  $x = 850,000$  meters and  $y = 0$  meters.

41 3. The position of either Missouri coordinate system shall be as marked on the ground  
42 by horizontal control stations established in conformity with the standards adopted by the  
43 department of [natural resources] **agriculture** for first-order and second-order work, whose  
44 geodetic positions have been rigidly adjusted on the appropriate datum and whose coordinates  
45 have been computed on the system defined in this section. Any such station may be used for  
46 establishing a survey connection with the Missouri coordinate system.

60.510. The functions, duties and responsibilities of the department of [natural  
2 resources] **agriculture** shall be as follows:

3 (1) To restore, maintain, and preserve the land survey monuments, section corners, and  
4 quarter section corners established by the United States public land survey within Missouri,  
5 together with all pertinent field notes, plats and documents; and also to restore, establish,  
6 maintain, and preserve Missouri state and county boundary markers and other boundary markers  
7 considered by the department of [natural resources] **agriculture** to be of importance, or  
8 otherwise established by law;

9 (2) To design and cause to be placed at established public land survey corner sites, where  
10 practical, substantial monuments permanently indicating, with words and figures, the exact  
11 location involved, but if such monuments cannot be placed at the exact corner point, then witness  
12 corners of similar design shall be placed as near by as possible, with words and figures indicating  
13 the bearing and distance to the true corner;

14 (3) To establish, maintain, and provide safe storage facilities for a comprehensive system  
15 of recordation of information respecting all monuments established by the United States public  
16 land survey within this state, and such records as may be pertinent to the department of [natural  
17 resources] **agriculture's** establishment or maintenance of other land corners, Missouri state  
18 coordinate system stations and accessories, and survey monuments in general;

19 (4) To provide the framework for all geodetic positioning activities in the state. The  
20 foundational elements include latitude, longitude, and elevation which contribute to informed  
21 decision making and impact on a wide range of important activities including mapping and  
22 geographic information systems, flood risk determination, transportation, land use and ecosystem  
23 management and use of the Missouri state coordinate system, as established by sections 60.401  
24 to 60.491;

25 (5) To collect and preserve information obtained from surveys made by those authorized  
26 to establish land monuments or land boundaries, and to assist in the proper recording of the same  
27 by the duly constituted county officials, or otherwise;

28 (6) To furnish, upon reasonable request and tender of the required fees therefor, certified  
29 copies of records created or maintained by the department of [natural resources] **agriculture**  
30 which, when certified by the state land surveyor or a designated assistant, shall be admissible in  
31 evidence in any court in this state, as the original record; and

32           (7) To prescribe, and disseminate to those engaged in the business of land surveying,  
33 regulations designed to assist in uniform and professional surveying methods and standards in  
34 this state.

60.530. The state land surveyor shall, under guidance of the department of [natural  
2 resources] **agriculture** and with the recommendation of the land survey commission, carry out  
3 the routine functions and duties of the department of [natural resources] **agriculture**, as  
4 prescribed in sections 60.510 to 60.620 and section 60.670. He or she shall, whenever practical,  
5 cause all land surveys, except geodetic surveys, to be executed, under his or her direction by the  
6 registered county surveyor or a local registered land surveyor when no registered county surveyor  
7 exists. He or she shall perform such other work and acts as shall, in the judgment of the  
8 department of [natural resources] **agriculture** and with the recommendation of the land survey  
9 commission, be necessary and proper to carry out the objectives of sections 60.510 to 60.620 and  
10 section 60.670 and, within the limits of appropriations made therefor and subject to the approval  
11 of the department of [natural resources] **agriculture** and the state merit system, employ and fix  
12 the compensation of such additional employees as may be necessary to carry out the provisions  
13 of sections 60.510 to 60.620 and section 60.670.

60.540. The department of [natural resources] **agriculture** may acquire, in the name of  
2 the state of Missouri, lands or interests therein, where necessary, to establish permanent control  
3 stations; and may lease or purchase or acquire by negotiation or condemnation, where necessary,  
4 land for the establishment of an office of the land survey program of the department of [natural  
5 resources] **agriculture**. If condemnation is necessary, the attorney general shall bring the suit  
6 in the name of the state in the same manner as authorized by law for the acquisition of lands by  
7 the state transportation department.

60.550. The custody and ownership of the original United States public land survey  
2 corners and accessories, including all restoration and replacements thereof and all accessories,  
3 belonging to the state of Missouri is hereby transferred to the department of [natural resources]  
4 **agriculture**. The department of [natural resources] **agriculture** shall see that the markers are  
5 maintained, and the alteration, removal, disfiguration or destruction of any of the corners or  
6 accessories, without specific permission of the department of [natural resources] **agriculture**,  
7 is an act of destruction of state property and is a misdemeanor. Any person convicted thereof  
8 shall be punished as provided by law. Each of the several prosecuting attorneys is specifically  
9 directed to prosecute for the violation of this section for any act of destruction which occurs in  
10 his county.

60.560. Upon their request, the state attorney general shall advise the land survey  
2 commission or the department of [natural resources] **agriculture** or the state land surveyor with  
3 respect to any legal matter, and shall represent the land survey commission or department of  
4 [natural resources] **agriculture** in any proceeding in any court of the state in which the land  
5 survey commission or land survey program shall be a party.



60.570. 1. The permanent headquarters of the land survey program shall be at or near to the principal office of the Missouri state geological survey. [Until such time as other headquarters can be obtained by the land survey program, the state geologist shall assign such space in the state geological survey building as may be available.] **If the land survey program headquarters are located in any building owned by a state agency or department, the land survey program shall not be liable to that agency or department for rent or any other costs associated with the office space.** The land survey program may also establish and maintain regional offices in the metropolitan areas of the state for the storage and distribution of local survey record information.

2. **The building that occupies the permanent headquarters of the land survey program shall be named and referred to as the "Robert E. Myers Building".**

60.580. The state land surveyor or any and all employees of the department of [natural resources] **agriculture** have the right to enter upon private property for the purpose of making surveys, or for searching for, locating, relocating, or remonumenting land monuments, leveling stations, or section corners. Should any of these persons necessarily damage property of the owner in making the surveys or searches or remonumentations, the department of [natural resources] **agriculture** may make reasonable payment for the damage from funds available for that purpose. However, department of [natural resources] **agriculture** employees are personally liable for any damage caused by their wantonness, willfulness or negligence. All department of [natural resources] **agriculture** employees are immune from arrest for trespass in performing their legal duties as stated in sections 60.510 to 60.620 and section 60.670.

60.590. 1. On request of the department of [natural resources] **agriculture** or the state land surveyor, all city and county recorders of deeds, together with all departments, boards or agencies of state government, county, or city government, shall furnish to the department of [natural resources] **agriculture** or the state land surveyor certified copies of desired records which are in their custody. This service shall be free of cost when possible; otherwise, it shall be at actual cost of reproduction of the records. On the same basis of cost, the department of [natural resources] **agriculture** shall furnish records within its custody to other agencies or departments of state, county or city, certifying them.

2. The department of [natural resources] **agriculture** may produce, reproduce and sell maps, plats, reports, studies, and records, and the commission shall recommend to the department of [natural resources] **agriculture** the charges therefor. All income received shall be promptly deposited in the state treasury to the credit of the department of [natural resources] **agriculture** document services fund.

60.595. 1. The "Department of [Natural Resources] **Agriculture** Revolving Services Fund" is hereby created. All funds received by the department of [natural resources] **agriculture** from the delivery of services and the sale or resale of maps, plats, reports, studies, records and other publications and documents and surveying information, on paper or in electronic format, by the department shall be credited to the fund. The director of the department shall administer

6 the fund. The state treasurer is the custodian of the fund and shall approve disbursements from  
7 the fund requested by the director of the department. When appropriated, moneys in the fund  
8 shall be used to purchase goods, equipment, hardware and software, maintenance and licenses,  
9 software and database development and maintenance, personal services, and other services that  
10 will ultimately be used to provide copies of information maintained or provided by the land  
11 survey program, reprint maps, publications or other documents requested by governmental  
12 agencies or members of the general public; to publish the maps, publications or other documents  
13 or to purchase maps, publications or other documents for resale; and to pay shipping charges,  
14 [laboratory services, core library fees, workshop fees, conference fees, interdivisional  
15 cooperative agreements,] but for no other purpose. **No more than ten percent of the funds**  
16 **received by the department shall be used for administrative expenses.**

17       2. **Effective August 28, 2013, a transfer of monies between the department of**  
18 **natural resources revolving services fund, created in section 640.065, and the department**  
19 **of agriculture revolving services fund shall be made such that only the balance related to**  
20 **the reproduction and sale of land survey documents is transferred to the department of**  
21 **agriculture revolving services fund.**

22       3. An unencumbered balance in the fund at the end of the fiscal year not exceeding one  
23 million dollars is exempt from the provisions of section 33.080 relating to the transfer of  
24 unexpended balances to the general revenue fund.

25       [3.] 4. The department of [natural resources] **agriculture** shall report all income to and  
26 expenditures from such fund on a quarterly basis to the house budget committee and the senate  
27 appropriations committee.

60.600. Every employee of the department of [natural resources] **agriculture** who is  
2 engaged in work required by law to be done by a registered land surveyor will be so registered.  
3 No employee of the department of [natural resources] **agriculture** shall engage in private land  
4 surveying or consultation while employed by the department of [natural resources] **agriculture**.

60.610. Whenever the department of [natural resources] **agriculture** deems it expedient,  
2 and when funds appropriated permit, the department of [natural resources] **agriculture** may enter  
3 into any contract with agencies of the United States, with agencies of other states, or with private  
4 persons, registered land surveyors or professional engineers, in order to plan and execute desired  
5 land surveys or geodetic surveys, or to plan and execute other projects which are within the scope  
6 and purpose of sections 60.510 to 60.620 and section 60.670.

60.620. 1. There is hereby created the "Land Survey Commission", within the  
2 department of [natural resources] **agriculture**. The commission shall consist of seven members,  
3 six of whom shall be appointed by the governor. Members shall reside in this state. Members  
4 of the commission shall hold office for terms of three years, but of the original appointments,  
5 two members shall serve for one year, two members shall serve for two years, and two members  
6 shall serve for three years. Members may serve only three consecutive terms on the commission.

7       2. The land survey commission shall consist of the following persons:

8 (1) Four members who shall be registered land surveyors, one of which shall be a county  
9 surveyor;

10 (2) One member who shall represent the real estate or land title industry;

11 (3) One member who shall represent the public and have an interest in and knowledge  
12 of land surveying; and

13 (4) The director of the department of [natural resources] **agriculture** or his or her  
14 designee.

15

16 The members in subdivisions (1) to (3) of this subsection shall be appointed by the governor with  
17 advice and consent of the senate and each shall serve until his or her successor is duly appointed.

18 3. The land survey commission shall elect a chairman annually. The commission shall  
19 meet semiannually and at other such times as called by the chairman of the commission and shall  
20 have a quorum when at least four members are present.

21 4. The land survey commission members shall serve without compensation but shall be  
22 reimbursed for actual and necessary expenses incurred in the performance of their official duties.

23 5. The land survey commission shall provide the director of the department of [natural  
24 resources] **agriculture** and the state land surveyor with recommendations on the operation and  
25 the planning and prioritization of the land survey program and the design of regulations needed  
26 to carry out the functions, duties, and responsibilities of the department of [natural resources]  
27 **agriculture** in sections 60.510 to 60.620 and section 60.670.

28 6. The land survey commission shall recommend to the department of [natural resources]  
29 **agriculture**:

30 (1) A person to be selected and appointed state land surveyor, who shall be the chief  
31 administrative officer of the land survey program. The state land surveyor shall be selected  
32 under the state merit system on the basis of professional experience and registration;

33 (2) Prioritization and execution of projects which are within the scope and purpose of  
34 sections 60.510 to 60.620 and section 60.670;

35 (3) Prioritization and selection of public land survey corner monuments to be  
36 reestablished through the county cooperative contracts in accordance with sections 8.285 to  
37 8.291; and

38 (4) Approval of all other contracts for the planning and execution of projects which are  
39 within the scope and purpose of sections 60.510 to 60.620 and section 60.670 and in accordance  
40 with sections 8.285 to 8.291.

41 7. The commission shall, at least annually, prepare a report, which shall be available to  
42 the general public, of the review by the commission of the land survey program, stating its  
43 findings, conclusions, and recommendations to the director.

44 8. By December 1, 2013, the commission shall provide a report to the department of  
45 [natural resources] **agriculture** and general assembly that recommends the appropriate  
46 administrative or overhead cost rate that will be charged to the program, where such cost rate

47 shall include all indirect services provided by the division of geology and land survey,  
48 department of [natural resources] **agriculture**, and office of administration.

60.653. 1. It shall be the duty of the recorder of deeds to maintain a copy of all survey  
2 plats delivered to his custody in an appropriate file medium capable of reproduction.

3 2. Survey plats shall be placed in the plat books or such other record books as have been  
4 previously established.

5 3. A duplicate of the recorded survey plat shall be provided to the land survey division  
6 of the department of [natural resources] **agriculture** at an amount not to exceed the actual cost  
7 of the duplicate.

8 4. The recorder shall maintain an index of all survey plats, subdivision plats, and  
9 condominium plats by section, township, and range and by subdivision or condominium name.

10 5. Copies of survey plats shall be evidence in all courts of justice when properly certified  
11 under the hand and official seal of the recorder.

60.670. 1. As used in this section, the following terms shall mean:

2 (1) "Cadastral parcel mapping", an accurately delineated identification of all real  
3 property parcels. The cadastral map is based upon the USPLSS. For cadastral parcel maps the  
4 position of the legal framework is derived from the USPLSS, existing tax maps, and tax database  
5 legal descriptions, recorded deeds, recorded surveys, and recorded subdivision plats;

6 (2) "Digital cadastral parcel mapping", encompasses the concepts of automated mapping,  
7 graphic display and output, data analysis, and database management as pertains to cadastral  
8 parcel mapping. Digital cadastral parcel mapping systems consist of hardware, software, data,  
9 people, organizations, and institutional arrangements for collecting, storing, analyzing, and  
10 disseminating information about the location and areas of parcels and the USPLSS;

11 (3) "USPLSS" or "United States Public Land Survey System", a survey executed under  
12 the authority of the United States government as recorded on the official plats and field notes of  
13 the United States public land survey maintained by the land survey program of the department  
14 of [natural resources] **agriculture**;

15 (4) "Tax map", a document or map for taxation purposes representing the location,  
16 dimensions, and other relevant information pertaining to a parcel of land subject to property  
17 taxes.

18 2. The office of the state land surveyor established within the department of [natural  
19 resources] **agriculture** shall promulgate rules and regulations establishing minimum standards  
20 for digital cadastral parcel mapping. Any rule or portion of a rule, as that term is defined in  
21 section 536.010, that is created under the authority delegated in this section shall become  
22 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
23 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the  
24 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
25 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of

26 rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid  
27 and void.

28 3. Any map designed and used to reflect legal property descriptions or boundaries for  
29 use in a digital cadastral mapping system shall comply with the rules promulgated under this  
30 section, unless the party requesting the map specifies otherwise in writing, the map was designed  
31 and in use prior to the promulgation of the rules, or the parties requesting and designing the map  
32 have already agreed to the terms of their contract on the effective date of the rules promulgation.

236.410. 1. There is hereby created a "Dam and Reservoir Safety Council", whose  
2 domicile for the purposes of sections 236.400 to 236.500 shall be the department of natural  
3 resources of the state of Missouri, for the regulation of dam and reservoir safety. The council  
4 shall consist of seven members, no more than four of whom shall be members of the same  
5 political party, appointed by the governor with the advice and consent of the senate.

6 2. The members of the council shall have a background of academic training or  
7 professional experience directly related to the design of dams and reservoirs. At least two  
8 members of the council shall be professional engineers registered in the state of Missouri, one  
9 of whom shall represent the general public; at least one member shall be an engineering  
10 geologist; at least one member, in addition to the professional engineer, shall be a representative  
11 of the general public; two members shall be from industry, one of whom shall be earthmoving  
12 contractors; and one member shall be the owner of a dam or reservoir. **There shall be one**  
13 **member from each of the five United States congressional districts in this state with the**  
14 **highest number of dams.** The members shall serve for a term of two years; except, of the first  
15 appointments three shall be appointed for one year. The governor shall fill any vacancy on the  
16 council and may remove any appointed member for cause. The council shall annually elect a  
17 chairman and vice chairman from among its members. The council shall meet regularly but not  
18 less than quarterly. Special meetings and hearings may be called upon delivery of written notice  
19 to each member of the council signed by the director, the chief engineer, the council chairman  
20 or four of the council members. Four members of the council shall constitute a quorum to  
21 transact the business of the council. The council shall decide all questions by a majority vote of  
22 those present and constituting a quorum. The members of this council shall not receive any  
23 compensations other than for actual travel and subsistence when acting officially as members of  
24 the council. **The council shall prepare and present an annual report to the general**  
25 **assembly by December thirty-first of each year.**

253.090. 1. All revenue derived from privileges, conveniences, contracts or otherwise,  
2 all moneys received by gifts, bequests or contributions or from county or municipal sources and  
3 all moneys received from the operation of concessions, projects or facilities and from resale  
4 items shall be paid into the state treasury to the credit of the "State Park Earnings Fund", which  
5 is hereby created. **The state treasurer is authorized to deposit all of the moneys in the fund**  
6 **in any of the qualified depositories of the state. All such deposits shall be secured in such**  
7 **a manner and shall be made upon such terms and conditions as are now or may hereafter**

8 **be provided by law relative to state deposits. Interest received on such deposits shall be**  
9 **credited to the fund.** In the event any state park or any part thereof is taken under the power  
10 of eminent domain by the federal government the moneys paid for the taking shall be deposited  
11 in the state park earnings fund. The fund shall be used solely for the payment of the expenditures  
12 of the department of natural resources in the administration of this law, except that in any fiscal  
13 year the department may expend a sum not to exceed fifty percent of the preceding fiscal year's  
14 deposits to the state park earnings fund for the purpose of:

- 15 (1) Paying the principal and interest of revenue bonds issued;
- 16 (2) Providing an interest and sinking fund;
- 17 (3) Providing a reasonable reserve fund;
- 18 (4) Providing a reasonable fund for depreciation; and
- 19 (5) Paying for feasibility reports necessary for the issuing of revenue bonds.

20 2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys  
21 remaining in the fund at the end of the biennium shall not revert to the credit of the general  
22 revenue fund.

23 3. A good and sufficient bond conditioned upon the faithful performance of the contract  
24 and compliance with this law shall be required of all contractors.

25 4. Any person who contracts pursuant to this section with the state shall keep true and  
26 accurate records of his or her receipts and disbursements arising out of the performance of the  
27 contract and shall permit the department of natural resources and the state auditor to audit such  
28 records.

256.117. 1. Funds from department of natural resources [document] **revolving** services  
2 fund created in section [60.595] **640.065** may be used to purchase, acquire and copy maps  
3 described in sections 256.112 to 256.117, as well as all services necessary for the operation of  
4 the map repository.

5 2. All funds from the sale of maps and products from the mine map repository shall be  
6 deposited in the department of natural resources [document] **revolving** services fund created in  
7 section [60.595] **640.065**.

256.710. 1. There is hereby created an advisory council to the state geologist known as  
2 the "Industrial Minerals Advisory Council". The council shall be composed of nine members  
3 as follows:

- 4 (1) The director of the department of transportation or his or her designee;
- 5 (2) Eight representatives of the following industries appointed by the director of the  
6 department of natural resources:
  - 7 (a) Three representing the limestone quarry operators;
  - 8 (b) One representing the clay mining industry;
  - 9 (c) One representing the sandstone mining industry;
  - 10 (d) One representing the sand and gravel mining industry;
  - 11 (e) One representing the barite mining industry; and

12 (f) One representing the granite mining industry.

13 The director of the department of natural resources or his or her designee shall act as chairperson  
14 of the council and convene the council as needed.

15 2. The advisory council shall:

16 (1) Meet at least once each year;

17 (2) Annually review with the state geologist the income received and expenditures made  
18 under sections 256.700 and 256.705;

19 (3) Consider all information and advise the director of the department of natural  
20 resources in determining the method and amount of fees to be assessed;

21 (4) In performing its duties under this subsection, represent the best interests of the  
22 Missouri mining industry;

23 (5) Serve in an advisory capacity in all matters pertaining to the administration of this  
24 section and section 256.700;

25 (6) Serve in an advisory capacity in all other matters brought before the council by the  
26 director of the department of natural resources; **and**

27 **(7) Prepare and present an annual report to the general assembly by December**  
28 **thirty-first of each year.**

29 3. All members of the advisory council, with the exception of the director of the  
30 department of transportation or his or her designee who shall serve indefinitely, shall serve for  
31 terms of three years and until their successors are duly appointed and qualified; except that, of  
32 the members first appointed:

33 (1) One member who represents the limestone quarry operators, the representative of the  
34 clay mining industry, and the representative of the sandstone mining industry shall serve terms  
35 of three years;

36 (2) One member who represents the limestone quarry operators, the representative of the  
37 sand and gravel mining industry, and the representative of the barite mining industry shall serve  
38 terms of two years; and

39 (3) One member who represents the limestone quarry operators, and the representative  
40 of the granite mining industry shall serve a term of one year.

41 4. All members shall be residents of this state. Any member may be reappointed.

42 5. All members shall be reimbursed for reasonable expenses incurred in the performance  
43 of their official duties in accordance with the reimbursement policy set by the director. All  
44 reimbursements paid under this section shall be paid from fees collected under section 256.700.

45 6. Every vacancy on the advisory council shall be filled by the director of the department  
46 of natural resources. The person selected to fill any such vacancy shall possess the same  
47 qualifications required by this section as the member he or she replaces and shall serve until the  
48 end of the unexpired term of his or her predecessor.

260.200. 1. The following words and phrases when used in sections 260.200 to 260.345  
2 shall mean:

3 (1) "Alkaline-manganese battery" or "alkaline battery", a battery having a manganese  
4 dioxide positive electrode, a zinc negative electrode, an alkaline electrolyte, including  
5 alkaline-manganese button cell batteries intended for use in watches, calculators, and other  
6 electronic products, and larger-sized alkaline-manganese batteries in general household use;

7 (2) **"Applicant", a person or persons seeking or holding a facility permit;**

8 (3) "Bioreactor", a municipal solid waste disposal area or portion of a municipal solid  
9 waste disposal area where the controlled addition of liquid waste or water accelerates both the  
10 decomposition of waste and landfill gas generation;

11 [(3)] (4) "Button cell battery" or "button cell", any small alkaline-manganese or  
12 mercuric-oxide battery having the size and shape of a button;

13 [(4)] (5) "City", any incorporated city, town, or village;

14 [(5)] (6) "Clean fill", uncontaminated soil, rock, sand, gravel, concrete, asphaltic  
15 concrete, cinderblocks, brick, minimal amounts of wood and metal, and inert solids as approved  
16 by rule or policy of the department for fill, reclamation or other beneficial use;

17 [(6)] (7) "Closure", the permanent cessation of active disposal operations, abandonment  
18 of the disposal area, revocation of the permit or filling with waste of all areas and volumes  
19 specified in the permit and preparing the area for long-term care;

20 [(7)] (8) "Closure plan", plans, designs and relevant data which specify the methods and  
21 schedule by which the operator will complete or cease disposal operations, prepare the area for  
22 long-term care, and make the area suitable for other uses, to achieve the purposes of sections  
23 260.200 to 260.345 and the regulations promulgated thereunder;

24 [(8)] (9) "Conference, conciliation and persuasion", a process of verbal or written  
25 communications consisting of meetings, reports, correspondence or telephone conferences  
26 between authorized representatives of the department and the alleged violator. The process shall,  
27 at a minimum, consist of one offer to meet with the alleged violator tendered by the department.  
28 During any such meeting, the department and the alleged violator shall negotiate in good faith  
29 to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

30 [(9)] (10) "Construction and demolition waste", waste materials from the construction  
31 and demolition of residential, industrial, or commercial structures, but shall not include materials  
32 defined as clean fill under this section;

33 [(10)] (11) "Demolition landfill", a solid waste disposal area used for the controlled  
34 disposal of demolition wastes, construction materials, brush, wood wastes, soil, rock, concrete  
35 and inert solids insoluble in water;

36 [(11)] (12) "Department", the department of natural resources;

37 [(12)] (13) "Director", the director of the department of natural resources;

38 [(13)] (14) **"Disclosure statement", a sworn statement or affirmation, in such form  
39 as may be required by the director of the department of natural resources, which includes:**

40 (a) **The full names and business address of key personnel;**



41           **(b) The full name and business address of any entity, other than a natural person,**  
42 **that collects, transfers, processes, stores, or disposes of solid waste in which key personnel**  
43 **holds an equity interest of seven percent or more;**

44           **(c) A description of the business experience of key personnel listed in the disclosure**  
45 **statement;**

46           **(d) The full name business address of permits or licenses from federal, state, or**  
47 **county required for the collection, transfer, treatment, processing, storage, or disposal of**  
48 **solid waste issued to or held by key personnel for the five-year period ending on the date**  
49 **of the sworn disclosure statement or affirmation is signed;**

50           **(e) The full name and business address of a permitted or licensed facility which has**  
51 **received the following for the five-year period ending on the date the sworn disclosure**  
52 **statement or affirmation is signed;**

53           **(f) A listing and explanation of any administrative, civil, or criminal notice of**  
54 **violation, citation, felony conviction or adjudication from federal, state, or county**  
55 **jurisdictions dealing with solid waste or other environmental matters;**

56           **(g) The full name and business address of any facility which has a permit or license**  
57 **suspended, revoked, or denied for the five-year period ending on the date of the sworn**  
58 **disclosure statement or affirmation is signed;**

59           **(h) Any other information about the applicant and the key personnel that the**  
60 **director of the department of natural resources may require that reasonably relates to the**  
61 **qualifications and ability of the key personnel or the applicant to lawfully and competently**  
62 **operate a solid waste management facility in Missouri; and**

63           **(i) Any additional environmental violations which the department determines, by**  
64 **rule, must be reported;**

65           **(15) "District", a solid waste management district established under section 260.305;**

66           **[(14)] (16) "Financial assurance instrument", an instrument or instruments, including,**  
67 **but not limited to, cash or surety bond, letters of credit, corporate guarantee or secured trust fund,**  
68 **submitted by the applicant to ensure proper closure and postclosure care and corrective action**  
69 **of a solid waste disposal area in the event that the operator fails to correctly perform closure and**  
70 **postclosure care and corrective action requirements, except that the financial test for the**  
71 **corporate guarantee shall not exceed one and one-half times the estimated cost of closure and**  
72 **postclosure. The form and content of the financial assurance instrument shall meet or exceed**  
73 **the requirements of the department. The instrument shall be reviewed and approved or**  
74 **disapproved by the attorney general;**

75           **[(15)] (17) "Flood area", any area inundated by the one hundred year flood event, or the**  
76 **flood event with a one percent chance of occurring in any given year;**

77           **[(16)] (18) "Household consumer", an individual who generates used motor oil through**  
78 **the maintenance of the individual's personal motor vehicle, vessel, airplane, or other machinery**  
79 **powered by an internal combustion engine;**

80 [(17)] (19) "Household consumer used motor oil collection center", any site or facility  
81 that accepts or aggregates and stores used motor oil collected only from household consumers  
82 or farmers who generate an average of twenty-five gallons per month or less of used motor oil  
83 in a calendar year. This section shall not preclude a commercial generator from operating a  
84 household consumer used motor oil collection center;

85 [(18)] (20) "Household consumer used motor oil collection system", any used motor oil  
86 collection center at publicly owned facilities or private locations, any curbside collection of  
87 household consumer used motor oil, or any other household consumer used motor oil collection  
88 program determined by the department to further the purposes of sections 260.200 to 260.345;

89 [(19)] (21) "Infectious waste", waste in quantities and characteristics as determined by  
90 the department by rule, including isolation wastes, cultures and stocks of etiologic agents, blood  
91 and blood products, pathological wastes, other wastes from surgery and autopsy, contaminated  
92 laboratory wastes, sharps, dialysis unit wastes, discarded biologicals known or suspected to be  
93 infectious; provided, however, that infectious waste does not mean waste treated to department  
94 specifications;

95 (22) "Key personnel", the applicant and any person employed by the applicant in  
96 a managerial capacity, or empowered to make discretionary decisions with respect to the  
97 solid waste operations of the applicant in Missouri, but shall not include employees  
98 exclusively engaged in the physical or mechanical collection, transportation, treatment,  
99 storage, or disposal of solid waste and such other employees as the director of the  
100 department of natural resources may designate by regulation. If the applicant has not  
101 previously conducted solid waste operations in Missouri, the term also includes any officer,  
102 director, partner of the applicant, or any holder of seven percent or more of the equity or  
103 debt of the applicant. If any holder of seven percent or more of the equity or debt of the  
104 applicant or of any key personnel is not a natural person, the term includes all key  
105 personnel of that entity, provided that where such entity is a chartered lending institution  
106 or a reporting company under the federal Securities Exchange Act of 1934, the term does  
107 not include key personnel of such entity. Provided further that the term means the chief  
108 executive officer of any agency of the United States or of any agency or political subdivision  
109 of the state of Missouri, and all key personnel of any person, other than a natural person,  
110 that operates a landfill or other facility for the disposal, treatment or storage of  
111 nonhazardous solid waste under contract with or for one of those governmental entities;

112 [(20)] (23) "Lead-acid battery", a battery designed to contain lead and sulfuric acid with  
113 a nominal voltage of at least six volts and of the type intended for use in motor vehicles and  
114 watercraft;

115 [(21)] (24) "Major appliance", clothes washers and dryers, water heaters, trash  
116 compactors, dishwashers, conventional ovens, ranges, stoves, woodstoves, air conditioners,  
117 refrigerators and freezers;

118           [(22)] (25) "Mercuric-oxide battery" or "mercury battery", a battery having a  
119 mercuric-oxide positive electrode, a zinc negative electrode, and an alkaline electrolyte,  
120 including mercuric-oxide button cell batteries generally intended for use in hearing aids and  
121 larger size mercuric-oxide batteries used primarily in medical equipment;

122           [(23)] (26) "Minor violation", a violation which possesses a small potential to harm the  
123 environment or human health or cause pollution, was not knowingly committed, and is not  
124 defined by the United States Environmental Protection Agency as other than minor;

125           [(24)] (27) "Motor oil", any oil intended for use in a motor vehicle, as defined in section  
126 301.010, train, vessel, airplane, heavy equipment, or other machinery powered by an internal  
127 combustion engine;

128           [(25)] (28) "Motor vehicle", as defined in section 301.010;

129           [(26)] (29) "Operator" and "permittee", anyone so designated, and shall include cities,  
130 counties, other political subdivisions, authority, state agency or institution, or federal agency or  
131 institution;

132           [(27)] (30) "Permit modification", any permit issued by the department which alters or  
133 modifies the provisions of an existing permit previously issued by the department;

134           [(28)] (31) "Person", any individual, partnership, **limited liability company**,  
135 corporation, association, **trust**, institution, city, county, other political subdivision, authority,  
136 state agency or institution, or federal agency or institution, **or any other legal entity**;

137           [(29)] (32) "Plasma arc technology", a process that converts electrical energy into  
138 thermal energy. This electric arc is created when an ionized gas transfers electric power between  
139 two or more electrodes;

140           [(30)] (33) "Postclosure plan", plans, designs and relevant data which specify the  
141 methods and schedule by which the operator shall perform necessary monitoring and care for the  
142 area after closure to achieve the purposes of sections 260.200 to 260.345 and the regulations  
143 promulgated thereunder;

144           [(31)] (34) "Recovered materials", those materials which have been diverted or removed  
145 from the solid waste stream for sale, use, reuse or recycling, whether or not they require  
146 subsequent separation and processing;

147           [(32)] (35) "Recycled content", the proportion of fiber in a newspaper which is derived  
148 from postconsumer waste;

149           [(33)] (36) "Recycling", the separation and reuse of materials which might otherwise be  
150 disposed of as solid waste;

151           [(34)] (37) "Resource recovery", a process by which recyclable and recoverable material  
152 is removed from the waste stream to the greatest extent possible, as determined by the  
153 department and pursuant to department standards, for reuse or remanufacture;

154           [(35)] (38) "Resource recovery facility", a facility in which recyclable and recoverable  
155 material is removed from the waste stream to the greatest extent possible, as determined by the  
156 department and pursuant to department standards, for reuse or remanufacture;

157           [(36)] **(39)** "Sanitary landfill", a solid waste disposal area which accepts commercial and  
158 residential solid waste;

159           [(37)] **(40)** "Scrap tire", a tire that is no longer suitable for its original intended purpose  
160 because of wear, damage, or defect;

161           [(38)] **(41)** "Scrap tire collection center", a site where scrap tires are collected prior to  
162 being offered for recycling or processing and where fewer than five hundred tires are kept on site  
163 on any given day;

164           [(39)] **(42)** "Scrap tire end-user facility", a site where scrap tires are used as a fuel or fuel  
165 supplement or converted into a useable product. Baled or compressed tires used in structures,  
166 or used at recreational facilities, or used for flood or erosion control shall be considered an end  
167 use;

168           [(40)] **(43)** "Scrap tire generator", a person who sells tires at retail or any other person,  
169 firm, corporation, or government entity that generates scrap tires;

170           [(41)] **(44)** "Scrap tire processing facility", a site where tires are reduced in volume by  
171 shredding, cutting, or chipping or otherwise altered to facilitate recycling, resource recovery, or  
172 disposal;

173           [(42)] **(45)** "Scrap tire site", a site at which five hundred or more scrap tires are  
174 accumulated, but not including a site owned or operated by a scrap tire end-user that burns scrap  
175 tires for the generation of energy or converts scrap tires to a useful product;

176           [(43)] **(46)** "Solid waste", garbage, refuse and other discarded materials including, but  
177 not limited to, solid and semisolid waste materials resulting from industrial, commercial,  
178 agricultural, governmental and domestic activities, but does not include hazardous waste as  
179 defined in sections 260.360 to 260.432, recovered materials, overburden, rock, tailings, matte,  
180 slag or other waste material resulting from mining, milling or smelting;

181           [(44)] **(47)** "Solid waste disposal area", any area used for the disposal of solid waste from  
182 more than one residential premises, or one or more commercial, industrial, manufacturing,  
183 recreational, or governmental operations;

184           [(45)] **(48)** "Solid waste fee", a fee imposed pursuant to sections 260.200 to 260.345 and  
185 may be:

186           (a) A solid waste collection fee imposed at the point of waste collection; or

187           (b) A solid waste disposal fee imposed at the disposal site;

188           [(46)] **(49)** "Solid waste management area", a solid waste disposal area which also  
189 includes one or more of the functions contained in the definitions of recycling, resource recovery  
190 facility, waste tire collection center, waste tire processing facility, waste tire site or solid waste  
191 processing facility, excluding incineration;

192           [(47)] **(50)** "Solid waste management system", the entire process of managing solid waste  
193 in a manner which minimizes the generation and subsequent disposal of solid waste, including  
194 waste reduction, source separation, collection, storage, transportation, recycling, resource  
195 recovery, volume minimization, processing, market development, and disposal of solid wastes;

196 [(48)] **(51)** "Solid waste processing facility", any facility where solid wastes are salvaged  
197 and processed, including:

198 (a) A transfer station; or

199 (b) An incinerator which operates with or without energy recovery but excluding waste  
200 tire end-user facilities; or

201 (c) A material recovery facility which operates with or without composting;

202 (d) A plasma arc technology facility;

203 [(49)] **(52)** "Solid waste technician", an individual who has successfully completed  
204 training in the practical aspects of the design, operation and maintenance of a permitted solid  
205 waste processing facility or solid waste disposal area in accordance with sections 260.200 to  
206 260.345;

207 [(50)] **(53)** "Tire", a continuous solid or pneumatic rubber covering encircling the wheel  
208 of any self-propelled vehicle not operated exclusively upon tracks, or a trailer as defined in  
209 chapter 301, except farm tractors and farm implements owned and operated by a family farm or  
210 family farm corporation as defined in section 350.010;

211 [(51)] **(54)** "Used motor oil", any motor oil which, as a result of use, becomes unsuitable  
212 for its original purpose due to loss of original properties or the presence of impurities, but used  
213 motor oil shall not include ethylene glycol, oils used for solvent purposes, oil filters that have  
214 been drained of free flowing used oil, oily waste, oil recovered from oil tank cleaning operations,  
215 oil spilled to land or water, or industrial nonlube oils such as hydraulic oils, transmission oils,  
216 quenching oils, and transformer oils;

217 [(52)] **(55)** "Utility waste landfill", a solid waste disposal area used for fly ash waste,  
218 bottom ash waste, slag waste and flue gas emission control waste generated primarily from the  
219 combustion of coal or other fossil fuels;

220 [(53)] **(56)** "Yard waste", leaves, grass clippings, yard and garden vegetation and  
221 Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

222 2. For the purposes of this section and sections 260.270 to 260.279 and any rules in place  
223 as of August 28, 2005, or promulgated under said sections, the term "scrap" shall be used  
224 synonymously with and in place of waste, as it applies only to scrap tires.

260.205. 1. It shall be unlawful for any person to operate a solid waste processing  
2 facility or solid waste disposal area of a solid waste management system without first obtaining  
3 an operating permit from the department. It shall be unlawful for any person to construct a solid  
4 waste processing facility or solid waste disposal area without first obtaining a construction  
5 permit from the department pursuant to this section. A current authorization to operate issued  
6 by the department pursuant to sections 260.200 to 260.345 shall be considered to be a permit to  
7 operate for purposes of this section for all solid waste disposal areas and processing facilities  
8 existing on August 28, 1995. A permit shall not be issued for a sanitary landfill to be located in  
9 a flood area, as determined by the department, where flood waters are likely to significantly  
10 erode final cover. A permit shall not be required to operate a waste stabilization lagoon, settling

11 pond or other water treatment facility which has a valid permit from the Missouri clean water  
12 commission even though the facility may receive solid or semisolid waste materials.

13         2. No person or operator may apply for or obtain a permit to construct a solid waste  
14 disposal area unless the person has requested the department to conduct a preliminary site  
15 investigation and obtained preliminary approval from the department. The department shall,  
16 within sixty days of such request, conduct a preliminary investigation and approve or disapprove  
17 the site.

18         3. All proposed solid waste disposal areas for which a preliminary site investigation  
19 request pursuant to subsection 2 of this section is received by the department on or after August  
20 28, 1999, shall be subject to a public involvement activity as part of the permit application  
21 process. The activity shall consist of the following:

22             (1) The applicant shall notify the public of the preliminary site investigation approval  
23 within thirty days after the receipt of such approval. Such public notification shall be by certified  
24 mail to the governing body of the county or city in which the proposed disposal area is to be  
25 located and by certified mail to the solid waste management district in which the proposed  
26 disposal area is to be located;

27             (2) Within ninety days after the preliminary site investigation approval, the department  
28 shall conduct a public awareness session in the county in which the proposed disposal area is to  
29 be located. The department shall provide public notice of such session by both printed and  
30 broadcast media at least thirty days prior to such session. Printed notification shall include  
31 publication in at least one newspaper having general circulation within the county in which the  
32 proposed disposal area is to be located. Broadcast notification shall include public service  
33 announcements on radio stations that have broadcast coverage within the county in which the  
34 proposed disposal area is to be located. The intent of such public awareness session shall be to  
35 provide general information to interested citizens on the design and operation of solid waste  
36 disposal areas;

37             (3) At least sixty days prior to the submission to the department of a report on the results  
38 of a detailed site investigation pursuant to subsection 4 of this section, the applicant shall conduct  
39 a community involvement session in the county in which the proposed disposal area is to be  
40 located. Department staff shall attend any such session. The applicant shall provide public  
41 notice of such session by both printed and broadcast media at least thirty days prior to such  
42 session. Printed notification shall include publication in at least one newspaper having general  
43 circulation within the county in which the proposed disposal area is to be located. Broadcast  
44 notification shall include public service announcements on radio stations that have broadcast  
45 coverage within the county in which the proposed disposal area is to be located. Such public  
46 notices shall include the addresses of the applicant and the department and information on a  
47 public comment period. Such public comment period shall begin on the day of the community  
48 involvement session and continue for at least thirty days after such session. The applicant shall

49 respond to all persons submitting comments during the public comment period no more than  
50 thirty days after the receipt of such comments;

51 (4) If a proposed solid waste disposal area is to be located in a county or city that has  
52 local planning and zoning requirements, the applicant shall not be required to conduct a  
53 community involvement session if the following conditions are met:

54 (a) The local planning and zoning requirements include a public meeting;

55 (b) The applicant notifies the department of intent to utilize such meeting in lieu of the  
56 community involvement session at least thirty days prior to such meeting;

57 (c) The requirements of such meeting include providing public notice by printed or  
58 broadcast media at least thirty days prior to such meeting;

59 (d) Such meeting is held at least thirty days prior to the submission to the department of  
60 a report on the results of a detailed site investigation pursuant to subsection 4 of this section;

61 (e) The applicant submits to the department a record of such meeting;

62 (f) A public comment period begins on the day of such meeting and continues for at least  
63 fourteen days after such meeting, and the applicant responds to all persons submitting comments  
64 during such public comment period no more than fourteen days after the receipt of such  
65 comments.

66 4. No person may apply for or obtain a permit to construct a solid waste disposal area  
67 unless the person has submitted to the department a plan for conducting a detailed surface and  
68 subsurface geologic and hydrologic investigation and has obtained geologic and hydrologic site  
69 approval from the department. The department shall approve or disapprove the plan within thirty  
70 days of receipt. The applicant shall conduct the investigation pursuant to the plan and submit  
71 the results to the department. The department shall provide approval or disapproval within sixty  
72 days of receipt of the investigation results.

73 5. (1) Every person desiring to construct a solid waste processing facility or solid waste  
74 disposal area shall make application for a permit on forms provided for this purpose by the  
75 department. Every applicant shall submit evidence of financial responsibility with the  
76 application. Any applicant who relies in part upon a parent corporation for this demonstration  
77 shall also submit evidence of financial responsibility for that corporation and any other  
78 subsidiary thereof.

79 (2) Every applicant shall provide a financial assurance instrument or instruments to the  
80 department prior to the granting of a construction permit for a solid waste disposal area. The  
81 financial assurance instrument or instruments shall be irrevocable, meet all requirements  
82 established by the department and shall not be cancelled, revoked, disbursed, released or allowed  
83 to terminate without the approval of the department. After the cessation of active operation of  
84 a sanitary landfill, or other solid waste disposal area as designed by the department, neither the  
85 guarantor nor the operator shall cancel, revoke or disburse the financial assurance instrument or  
86 allow the instrument to terminate until the operator is released from postclosure monitoring and  
87 care responsibilities pursuant to section 260.227.

88           (3) The applicant for a permit to construct a solid waste disposal area shall provide the  
89 department with plans, specifications, and such other data as may be necessary to comply with  
90 the purpose of sections 260.200 to 260.345.

91 The application shall demonstrate compliance with all applicable local planning and zoning  
92 requirements. The department shall make an investigation of the solid waste disposal area and  
93 determine whether it complies with the provisions of sections 260.200 to 260.345 and the rules  
94 and regulations adopted pursuant to sections 260.200 to 260.345. Within twelve consecutive  
95 months of the receipt of an application for a construction permit the department shall approve  
96 or deny the application. The department shall issue rules and regulations establishing time limits  
97 for permit modifications and renewal of a permit for a solid waste disposal area. The time limit  
98 shall be consistent with this chapter.

99           (4) The applicant for a permit to construct a solid waste processing facility shall provide  
100 the department with plans, specifications and such other data as may be necessary to comply with  
101 the purpose of sections 260.200 to 260.345. Within one hundred eighty days of receipt of the  
102 application, the department shall determine whether it complies with the provisions of sections  
103 260.200 to 260.345. Within twelve consecutive months of the receipt of an application for a  
104 permit to construct an incinerator as defined in section 260.200 or a material recovery facility  
105 as defined in section 260.200, and within six months for permit modifications, the department  
106 shall approve or deny the application. Permits issued for solid waste facilities shall be for the  
107 anticipated life of the facility.

108           (5) If the department fails to approve or deny an application for a permit or a permit  
109 modification within the time limits specified in subdivisions (3) and (4) of this subsection, the  
110 applicant may maintain an action in the circuit court of Cole County or that of the county in  
111 which the facility is located or is to be sited. The court shall order the department to show cause  
112 why it has not acted on the permit and the court may, upon the presentation of evidence  
113 satisfactory to the court, order the department to issue or deny such permit or permit  
114 modification. Permits for solid waste disposal areas, whether issued by the department or  
115 ordered to be issued by a court, shall be for the anticipated life of the facility.

116           (6) The applicant for a permit to construct a solid waste processing facility shall pay an  
117 application fee of one thousand dollars. Upon completion of the department's evaluation of the  
118 application, but before receiving a permit, the applicant shall reimburse the department for all  
119 reasonable costs incurred by the department up to a maximum of four thousand dollars. The  
120 applicant for a permit to construct a solid waste disposal area shall pay an application fee of two  
121 thousand dollars. Upon completion of the department's evaluations of the application, but before  
122 receiving a permit, the applicant shall reimburse the department for all reasonable costs incurred  
123 by the department up to a maximum of eight thousand dollars. Applicants who withdraw their  
124 application before the department completes its evaluation shall be required to reimburse the  
125 department for costs incurred in the evaluation. The department shall not collect the fees  
126 authorized in this subdivision unless it complies with the time limits established in this section.



(7) When the review reveals that the facility or area does conform with the provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345, the department shall approve the application and shall issue a permit for the construction of each solid waste processing facility or solid waste disposal area as set forth in the application and with any permit terms and conditions which the department deems appropriate. In the event that the facility or area fails to meet the rules and regulations adopted pursuant to sections 260.200 to 260.345, the department shall issue a report to the applicant stating the reason for denial of a permit.

6. Plans, designs, and relevant data for the construction of solid waste processing facilities and solid waste disposal areas shall be submitted to the department by a registered professional engineer licensed by the state of Missouri for approval prior to the construction, alteration or operation of such a facility or area.

7. Any person or operator as defined in section 260.200 who intends to obtain a construction permit in a solid waste management district with an approved solid waste management plan shall request a recommendation in support of the application from the executive board created in section 260.315. The executive board shall consider the impact of the proposal on, and the extent to which the proposal conforms to, the approved district solid waste management plan prepared pursuant to section 260.325. The executive board shall act upon the request for a recommendation within sixty days of receipt and shall submit a resolution to the department specifying its position and its recommendation regarding conformity of the application to the solid waste plan. The board's failure to submit a resolution constitutes recommendation of the application. The department may consider the application, regardless of the board's action thereon and may deny the construction permit if the application fails to meet the requirements of sections 260.200 to 260.345, or if the application is inconsistent with the district's solid waste management plan.

8. If the site proposed for a solid waste disposal area is not owned by the applicant, the owner or owners of the site shall acknowledge that an application pursuant to sections 260.200 to 260.345 is to be submitted by signature or signatures thereon. The department shall provide the owner with copies of all communication with the operator, including inspection reports and orders issued pursuant to section 260.230.

9. The department shall not issue a permit for the operation of a solid waste disposal area designed to serve a city with a population of greater than four hundred thousand located in more than one county, if the site is located within one-half mile of an adjoining municipality, without the approval of the governing body of such municipality. The governing body shall conduct a public hearing within fifteen days of notice, shall publicize the hearing in at least one newspaper having general circulation in the municipality, and shall vote to approve or disapprove the land disposal facility within thirty days after the close of the hearing.

10. Upon receipt of an application for a permit to construct a solid waste processing facility or disposal area, the department shall notify the public of such receipt:

166 (1) By legal notice published in a newspaper of general circulation in the area of the  
167 proposed disposal area or processing facility;

168 (2) By certified mail to the governing body of the county or city in which the proposed  
169 disposal area or processing facility is to be located; and

170 (3) By mail to the last known address of all record owners of contiguous real property  
171 or real property located within one thousand feet of the proposed disposal area and, for a  
172 proposed processing facility, notice as provided in section 64.875 or section 89.060, whichever  
173 is applicable.

174 (4) If an application for a construction permit meets all statutory and regulatory  
175 requirements for issuance, a public hearing on the draft permit shall be held by the department  
176 in the county in which the proposed solid waste disposal area is to be located prior to the  
177 issuance of the permit. The department shall provide public notice of such hearing by both  
178 printed and broadcast media at least thirty days prior to such hearing. Printed notification shall  
179 include publication in at least one newspaper having general circulation within the county in  
180 which the proposed disposal area is to be located. Broadcast notification shall include public  
181 service announcements on radio stations that have broadcast coverage within the county in which  
182 the proposed disposal area is to be located.

183 11. After the issuance of a construction permit for a solid waste disposal area, but prior  
184 to the beginning of disposal operations, the owner and the department shall execute an easement  
185 to allow the department, its agents or its contractors to enter the premises to complete work  
186 specified in the closure plan, or to monitor or maintain the site or to take remedial action during  
187 the postclosure period. After issuance of a construction permit for a solid waste disposal area,  
188 but prior to the beginning of disposal operations, the owner shall submit evidence that he or she  
189 has recorded, in the office of the recorder of deeds in the county where the disposal area is  
190 located, a notice and covenant running with the land that the property has been permitted as a  
191 solid waste disposal area and prohibits use of the land in any manner which interferes with the  
192 closure and, where appropriate, postclosure plans filed with the department.

193 12. Every person desiring to obtain a permit to operate a solid waste disposal area or  
194 processing facility shall submit applicable information and apply for an operating permit from  
195 the department. The department shall review the information and determine, within sixty days  
196 of receipt, whether it complies with the provisions of sections 260.200 to 260.345 and the rules  
197 and regulations adopted pursuant to sections 260.200 to 260.345. When the review reveals that  
198 the facility or area does conform with the provisions of sections 260.200 to 260.345 and the rules  
199 and regulations adopted pursuant to sections 260.200 to 260.345, the department shall issue a  
200 permit for the operation of each solid waste processing facility or solid waste disposal area and  
201 with any permit terms and conditions which the department deems appropriate. In the event that  
202 the facility or area fails to meet the rules and regulations adopted pursuant to sections 260.200  
203 to 260.345, the department shall issue a report to the applicant stating the reason for denial of  
204 a permit.

205           13. Each solid waste disposal area, except utility waste landfills unless otherwise and to  
206 the extent required by the department, and those solid waste processing facilities designated by  
207 rule, shall be operated under the direction of a certified solid waste technician in accordance with  
208 sections 260.200 to 260.345 and the rules and regulations promulgated pursuant to sections  
209 260.200 to 260.345.

210           14. Base data for the quality and quantity of groundwater in the solid waste disposal area  
211 shall be collected and submitted to the department prior to the operation of a new or expansion  
212 of an existing solid waste disposal area. Base data shall include a chemical analysis of  
213 groundwater drawn from the proposed solid waste disposal area.

214           15. Leachate collection and removal systems shall be incorporated into new or expanded  
215 sanitary landfills which are permitted after August 13, 1986.

216 The department shall assess the need for a leachate collection system for all types of solid waste  
217 disposal areas, other than sanitary landfills, and the need for monitoring wells when it evaluates  
218 the application for all new or expanded solid waste disposal areas. The department may require  
219 an operator of a solid waste disposal area to install a leachate collection system before the  
220 beginning of disposal operations, at any time during disposal operations for unfilled portions of  
221 the area, or for any portion of the disposal area as a part of a remedial plan. The department may  
222 require the operator to install monitoring wells before the beginning of disposal operations or at  
223 any time during the operational life or postclosure care period if it concludes that conditions at  
224 the area warrant such monitoring. The operator of a demolition landfill or utility waste landfill  
225 shall not be required to install a leachate collection and removal system or monitoring wells  
226 unless otherwise and to the extent the department so requires based on hazardous waste  
227 characteristic criteria or site specific geohydrological characteristics or conditions.

228           16. Permits granted by the department, as provided in sections 260.200 to 260.345, shall  
229 be subject to suspension for a designated period of time, civil penalty or revocation whenever  
230 the department determines that the solid waste processing facility or solid waste disposal area  
231 is, or has been, operated in violation of sections 260.200 to 260.345 or the rules or regulations  
232 adopted pursuant to sections 260.200 to 260.345, or has been operated in violation of any permit  
233 terms and conditions, or is creating a public nuisance, health hazard, or environmental pollution.  
234 In the event a permit is suspended or revoked, the person named in the permit shall be fully  
235 informed as to the reasons for such action.

236           17. Each permit for operation of a facility or area shall be issued only to the person  
237 named in the application. Permits are transferable as a modification to the permit. An  
238 application to transfer ownership shall identify the proposed permittee. A disclosure statement  
239 for the proposed permittee listing violations contained in subsection [19] **20** of this section shall  
240 be submitted to the department. The operation and design plans for the facility or area shall be  
241 updated to provide compliance with the currently applicable law and rules. A financial assurance  
242 instrument in such an amount and form as prescribed by the department shall be provided for  
243 solid waste disposal areas by the proposed permittee prior to transfer of the permit. The financial

244 assurance instrument of the original permittee shall not be released until the new permittee's  
245 financial assurance instrument has been approved by the department and the transfer of  
246 ownership is complete.

247 18. Those solid waste disposal areas permitted on January 1, 1996, shall, upon  
248 submission of a request for permit modification, be granted a solid waste management area  
249 operating permit if the request meets reasonable requirements set out by the department.

250 19. In case a permit required pursuant to this section is denied or revoked, the person  
251 may request a hearing in accordance with section 260.235.

252 20. [Any person seeking a permit or renewal of a permit to operate a commercial solid  
253 waste processing facility, or a solid waste disposal area shall, concurrently with the filing of  
254 application for a permit, file a disclosure statement with the department of natural resources. The  
255 disclosure statement shall include, but not be limited to, a listing of any felony convictions by  
256 state or federal agencies, and a listing of other enforcement actions, sanctions, permit revocations  
257 or denials by any state or federal authority of every person seeking a permit, including officers,  
258 directors, partners and facility or location managers of each person seeking a permit, any  
259 violations of Missouri environmental statutes, violations of the environmental statutes of other  
260 states or federal statutes and a listing of convictions for any crimes or criminal acts, an element  
261 of which involves restraint of trade, price-fixing, intimidation of the customers of another person  
262 or for engaging in any other acts which may have the effect of restraining or limiting competition  
263 concerning activities regulated pursuant to this chapter or similar laws of other states or the  
264 federal government; except that convictions for violations by entities purchased or acquired by  
265 an applicant or permittee which occurred prior to the purchase or acquisition shall not be  
266 included. The department shall by rule, define those environmental violations which must be  
267 reported pursuant to this section. For purposes of this section, additional persons as required by  
268 rule shall be named in the statement and violations or convictions of such persons shall be listed.  
269 The department or its representative shall verify the information provided on the disclosure  
270 statement prior to permit issuance. The disclosure statement shall be used by the department in  
271 determining whether a permit should be granted or denied on the basis of the applicant's status  
272 as a habitual violator; however, the department has the authority to make a habitual violator  
273 determination independent of the information contained in the disclosure statement. After permit  
274 issuance, each facility shall annually file an updated disclosure statement with the department  
275 of natural resources on or before March thirty-first of each year. Any county, district,  
276 municipality, authority or other political subdivision of this state which owns and operates a  
277 sanitary landfill shall be exempt from the provisions of this subsection] **Every applicant for a**  
278 **permit shall file a disclosure statement with the information required by and on a form**  
279 **developed by the department of natural resources at the same time the application for a**  
280 **permit is filed with the department.**

281 21. [Any person seeking a permit to operate a solid waste disposal area, a solid waste  
282 processing facility or a resource recovery facility shall, concurrently with the filing of the

application for a permit, disclose any convictions in this state of municipal or county public health or land use ordinances related to the management of solid waste. If the department finds that there has been a continuing pattern of serious adjudicated violations by the applicant, the department may deny the application] **Upon request of the director of the department of natural resources, the applicant for a permit, any person that could reasonably be expected to be involved in management activities of the solid waste disposal area or solid waste processing facility, or any person who has a controlling interest in any permittee shall be required to submit to a criminal background check under section 43.543.**

22. **All persons required to file a disclosure statement shall provide any assistance or information requested by the director or by the Missouri state highway patrol and shall cooperate in any inquiry or investigation conducted by the department and any inquiry, investigation or hearing conducted by the director. If, upon issuance of a formal request to answer any inquiry or produce information, evidence or testimony, any person required to file a disclosure statement refuses to comply, the application of an applicant or the permit of a permittee may be denied or revoked by the director.**

23. **If any of the information required to be included in the disclosure statement changes, or if any additional information should be added after the filing of the statement, the person required to file it shall provide that information to the director in writing, within thirty days after the change or addition. The failure to provide such information within thirty days may constitute the basis for the revocation of or denial of an application for any permit issued or applied for in accordance with this section, but only if, prior to any such denial or revocation, the director notifies the applicant or permittee of the director's intention to do so and gives the applicant or permittee fourteen days from the date of the notice to explain why the information was not provided within the required thirty-day period. The director shall consider this information when determining whether to revoke, deny or conditionally grant the permit.**

24. **No person shall be required to submit the disclosure statement required by this section if the person is a corporation or an officer, director or shareholder of that corporation and that corporation:**

(1) **Has on file and in effect with the federal Securities and Exchange Commission a registration statement required under Section 5, Chapter 38, Title 1 of the Securities Act of 1933, as amended, 15 U.S.C. Section 77e(c);**

(2) **Submits to the director with the application for a permit evidence of the registration described in subdivision (1) of this subsection and a copy of the corporation's most recent annual form 10-K or an equivalent report; and**

(3) **Submits to the director on the anniversary date of the issuance of any permit it holds under the Missouri solid waste management law evidence of registration described in subdivision (1) of this subsection and a copy of the corporation's most recent annual form 10-K or an equivalent report.**

322       **25. After permit issuance, each facility shall annually file an update to the**  
323 **disclosure statement with the department of natural resources on or before March thirty-**  
324 **first of each year. Failure to provide such update may result in penalties as provided for**  
325 **under section 260.240.**

326       **26. Any county, district, municipality, authority or other political subdivision of**  
327 **this state which owns and operates a sanitary landfill shall be exempt from the requirement**  
328 **for the filing of the disclosure statement and annual update to the disclosure statement.**

329       **27. Any person seeking a permit to operate a solid waste disposal area, a solid waste**  
330 **processing facility or a resource recovery facility shall, concurrently with the filing of the**  
331 **application for a permit, disclose any final administrative, civil, or criminal adjudication**  
332 **in this state of municipal or county public health or land use ordinances related to the**  
333 **management of solid waste. If the department finds that there has been a continuing**  
334 **pattern of adjudicated violations by the applicant, the department may deny the**  
335 **application.**

336       **28. No permit to construct or permit to operate shall be required pursuant to this section**  
337 **for any utility waste landfill located in a county of the third classification with a township form**  
338 **of government which has a population of at least eleven thousand inhabitants and no more than**  
339 **twelve thousand five hundred inhabitants according to the most recent decennial census, if such**  
340 **utility waste landfill complies with all design and operating standards and closure requirements**  
341 **applicable to utility waste landfills pursuant to sections 260.200 to 260.345 and provided that**  
342 **no waste disposed of at such utility waste landfill is considered hazardous waste pursuant to the**  
343 **Missouri hazardous waste law.**

344       **29. No permit to construct or permit to operate shall be required pursuant to this**  
345 **section for the expansion of an existing permitted utility waste landfill. The expansion**  
346 **shall comply with applicable utility landfill design requirements. Siting requirements shall**  
347 **not constitute design requirements. The expansion plans designs and drawings shall be**  
348 **submitted to the department on the behalf of the permittee by a registered professional**  
349 **engineer licensed by the state of Missouri.**

260.247. 1. Any city or political subdivision which annexes an area or enters into or  
2 expands solid waste collection services into an area where the collection of solid waste is  
3 presently being provided by one or more private entities, for commercial or residential services,  
4 shall notify the private entity or entities of its intent to provide solid waste collection services in  
5 the area by certified mail.

6       2. A city or political subdivision shall not commence solid waste collection in such area  
7 for at least two years from the effective date of the annexation or at least two years from the  
8 effective date of the notice that the city or political subdivision intends to enter into the business  
9 of solid waste collection or to expand existing solid waste collection services into the area, unless  
10 the city or political subdivision contracts with the private entity or entities to continue such  
11 services for that period. If for any reason the city or political subdivision does not exercise its

12 option to provide for or contract for the provision of services within an affected area within three  
13 years from the effective date of the notice, then the city or political subdivision shall renotify  
14 under subsection 1 of this section.

15 3. If the services to be provided under a contract with the city or political subdivision  
16 pursuant to subsection 2 of this section are substantially the same as the services rendered in the  
17 area prior to the decision of the city to annex the area or to enter into or expand its solid waste  
18 collection services into the area, the amount paid by the city shall be at least equal to the amount  
19 the private entity or entities would have received for providing such services during that period.

20 4. Any private entity or entities which provide collection service in the area which the  
21 city or political subdivision has decided to annex or enter into or expand its solid waste  
22 collection services into shall make available upon written request by the city not later than thirty  
23 days following such request all information in its possession or control which pertains to its  
24 activity in the area necessary for the city to determine the nature and scope of the potential  
25 contract.

26 5. **If a home rule city with more than fifty-two thousand but fewer than sixty-four**  
27 **thousand inhabitants intends to expand solid waste collection services into an area where**  
28 **the collection of solid waste is presently being provided by one or more private entities such**  
29 **intent shall be put to a vote of the people in the area where the city intends to expand.**

30 6. The provisions of this section shall apply to private entities that service fifty or more  
31 residential accounts or any commercial accounts in the area in question.

260.380. 1. After six months from the effective date of the standards, rules and  
2 regulations adopted by the commission pursuant to section 260.370, hazardous waste generators  
3 located in Missouri shall:

4 (1) Promptly file and maintain with the department, on registration forms it provides for  
5 this purpose, information on hazardous waste generation and management as specified by rules  
6 and regulations. Hazardous waste generators shall pay a one hundred dollar registration fee upon  
7 initial registration, and a one hundred dollar registration renewal fee annually thereafter to  
8 maintain an active registration. Such fees shall be deposited in the hazardous waste fund created  
9 in section 260.391;

10 (2) Containerize and label all hazardous wastes as specified by standards, rules and  
11 regulations;

12 (3) Segregate all hazardous wastes from all nonhazardous wastes and from  
13 noncompatible wastes, materials and other potential hazards as specified by standards, rules and  
14 regulations;

15 (4) Provide safe storage and handling, including spill protection, as specified by  
16 standards, rules and regulations, for all hazardous wastes from the time of their generation to the  
17 time of their removal from the site of generation;

18 (5) Unless provided otherwise in the rules and regulations, utilize only a hazardous waste  
19 transporter holding a license pursuant to sections 260.350 to 260.430 for the removal of all  
20 hazardous wastes from the premises where they were generated;

21 (6) Unless provided otherwise in the rules and regulations, provide a separate manifest  
22 to the transporter for each load of hazardous waste transported from the premises where it was  
23 generated. The generator shall specify the destination of such load on the manifest. The manner  
24 in which the manifest shall be completed, signed and filed with the department shall be in  
25 accordance with rules and regulations;

26 (7) Utilize for treatment, resource recovery, disposal or storage of all hazardous wastes,  
27 only a hazardous waste facility authorized to operate pursuant to sections 260.350 to 260.430 or  
28 the federal Resource Conservation and Recovery Act, or a state hazardous waste management  
29 program authorized pursuant to the federal Resource Conservation and Recovery Act, or any  
30 facility exempted from the permit required pursuant to section 260.395;

31 (8) Collect and maintain such records, perform such monitoring or analyses, and submit  
32 such reports on any hazardous waste generated, its transportation and final disposition, as  
33 specified in sections 260.350 to 260.430 and rules and regulations adopted pursuant to sections  
34 260.350 to 260.430;

35 (9) Make available to the department upon request samples of waste and all records  
36 relating to hazardous waste generation and management for inspection and copying and allow  
37 the department to make unhampered inspections at any reasonable time of hazardous waste  
38 generation and management facilities located on the generator's property and hazardous waste  
39 generation and management practices carried out on the generator's property;

40 (10) Pay annually, on or before January first of each year, effective January 1, 1982, a  
41 fee to the state of Missouri to be placed in the hazardous waste fund. The fee shall be five  
42 dollars per ton or portion thereof of hazardous waste registered with the department as specified  
43 in subdivision (1) of this subsection for the twelve-month period ending June thirtieth of the  
44 previous year. However, the fee shall not exceed fifty-two thousand dollars per generator site  
45 per year nor be less than one hundred fifty dollars per generator site per year;

46 (a) All moneys payable pursuant to the provisions of this subdivision shall be promptly  
47 transmitted to the department of revenue, which shall deposit the same in the state treasury to the  
48 credit of the hazardous waste fund created in section 260.391;

49 (b) The hazardous waste management commission shall establish and submit to the  
50 department of revenue procedures relating to the collection of the fees authorized by this  
51 subdivision. Such procedures shall include, but not be limited to, necessary records identifying  
52 the quantities of hazardous waste registered, the form and submission of reports to accompany  
53 the payment of fees, the time and manner of payment of fees, which shall not be more often than  
54 quarterly;

55 (c) **The director of the department of natural resources may conduct a**  
56 **comprehensive review of the fee structure set forth in this section. The comprehensive**



57 review shall include stakeholder meetings in order to solicit stakeholder input. Upon  
58 completion of the comprehensive review, the department shall submit proposed changes  
59 to the fee structure to the hazardous waste management commission. The commission  
60 shall, upon receiving the department's recommendations, review such recommendations  
61 at the forthcoming regular meeting. The commission shall not take a vote on the fee  
62 structure until the following regular meeting. If the commission approves, by vote, the  
63 hazardous waste fee structure recommendations, the commission shall promulgate by  
64 regulation and publish the recommended fee structure. If such rules are not disapproved  
65 by the general assembly in the manner set out below, they shall take effect on January first  
66 of the next odd-numbered year and the fee structure set out in this section shall expire  
67 upon the effective date of the commission adopted fee structure, contrary to subsection 4  
68 of this section. Any regulation promulgated pursuant to this subsection shall be deemed  
69 to be beyond the scope and authority provided in this subsection, or detrimental to permit  
70 applicants, if the general assembly, within the first sixty calendar days of the regular  
71 session immediately following the promulgation of the regulation, by concurrent resolution,  
72 shall disapprove the fee structure contained in such regulation. If the general assembly so  
73 disapproves any regulation promulgated pursuant to this subsection, the hazardous waste  
74 management commission shall continue to use the fee structure set forth in the most recent  
75 preceding regulation promulgated pursuant to this subsection.

76         2. Missouri treatment, storage, or disposal facilities shall pay annually, on or before  
77 January first of each year, a fee to the department equal to two dollars per ton or portion thereof  
78 for all hazardous waste received from outside the state. This fee shall be based on the hazardous  
79 waste received for the twelve-month period ending June thirtieth of the previous year.

80         3. Exempted from the requirements of this section are individual householders and  
81 farmers who generate only small quantities of hazardous waste and any person the commission  
82 determines generates only small quantities of hazardous waste on an infrequent basis, except  
83 that:

84             (1) Householders, farmers and exempted persons shall manage all hazardous wastes they  
85 may generate in a manner so as not to adversely affect the health of humans, or pose a threat to  
86 the environment, or create a public nuisance; and

87             (2) The department may determine that a specific quantity of a specific hazardous waste  
88 requires special management. Upon such determination and after public notice by press release  
89 or advertisement thereof, including instructions for handling and delivery, generators exempted  
90 pursuant to this subsection shall deliver, but without a manifest or the requirement to use a  
91 licensed hazardous waste transporter, such waste to:

92                 (a) Any storage, treatment or disposal site authorized to operate pursuant to sections  
93 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous  
94 waste management program authorized pursuant to the federal Resource Conservation and  
95 Recovery Act which the department designates for this purpose; or

96 (b) A collection station or vehicle which the department may arrange for and designate  
97 for this purpose.

98 4. Failure to pay the fee, or any portion thereof, prescribed in this section by the due date  
99 shall result in the imposition of a penalty equal to fifteen percent of the original fee. The fee  
100 prescribed in this section shall expire December 31, 2013, except that the department shall levy  
101 and collect this fee for any hazardous waste generated prior to such date and reported to the  
102 department.

260.390. 1. After six months from the effective date of the standards, rules and  
2 regulations adopted by the commission pursuant to section 260.370, hazardous waste facility  
3 owners or operators shall:

4 (1) Not construct, substantially alter or operate[, including all postclosure activities and  
5 operations specified in the rules and regulations,] a hazardous waste facility without first  
6 obtaining a hazardous waste facility permit from the department as specified in section 260.395;

7 (2) Operate the facility according to the standards, rules and regulations adopted under  
8 sections 260.350 to 260.430 and all terms and conditions of the permit;

9 (3) Unless otherwise provided in sections 260.350 to 260.430 or the rules and regulations  
10 adopted hereunder, accept delivery of hazardous waste only if delivery is by a hazardous waste  
11 transporter holding a license under sections 260.350 to 260.430, the shipment is accompanied  
12 by a manifest properly completed by both the generator and transporter and their facility is the  
13 destination indicated by the generator on the manifest. Exempted from the requirements of this  
14 subsection are deliveries, when directed by the department, from householders, farmers and other  
15 persons exempted from generator responsibilities under provisions of section 260.380 and  
16 deliveries made in emergency situations as specified in sections 260.350 to 260.550 or the rules  
17 and regulations adopted hereunder. For such exempted deliveries they shall make a record of  
18 any waste accepted, its type, quantity, origin and the identity of the person making the delivery  
19 and promptly report this information to the department;

20 (4) Complete, sign and file the facility operator portion of the manifest as specified in  
21 rules and regulations adopted under sections 260.350 to 260.430;

22 (5) Whenever final disposition is to be achieved at another hazardous waste or exempted  
23 facility, initiate a new manifest and comply with the other responsibilities of generators specified  
24 in sections 260.350 to 260.430 and in rules and regulations and terms and conditions of their  
25 permit adopted or issued hereunder;

26 (6) Collect and maintain such records, submit such reports and perform such monitoring  
27 as specified in sections 260.350 to 260.430 and in rules and regulations and terms and conditions  
28 of their permit adopted or issued hereunder;

29 (7) Make available to the department, upon request, samples of wastes received and all  
30 records, for inspection and copying, relating to hazardous waste management and allow the  
31 department to make unhampered inspections at any reasonable time of all facilities and  
32 equipment.

33           2. All hazardous waste landfills shall collect, on behalf of the state from each hazardous  
34 waste generator or transporter, a tax equal to two percent of the gross charges and fees charged  
35 such generator for disposal at the landfill site to be placed in the hazardous waste fund to be used  
36 solely for the administration of sections 260.350 to 260.430. The tax shall be accounted for  
37 separately on the statement of charges and fees made to the hazardous waste generator and shall  
38 be collected at the time of the collection of such charges and fees. All moneys payable under the  
39 provisions of this subsection shall be promptly transmitted to the department of revenue, which  
40 shall daily deposit the same in the state treasury to the credit of the hazardous waste fund. The  
41 hazardous waste management commission shall establish and submit to the department of  
42 revenue procedures relating to the collection of the taxes authorized by this subsection. Such  
43 procedures shall include, but not be limited to, necessary records identifying the quantities of  
44 hazardous waste received, the form and submission of reports to accompany the payment of  
45 taxes, the time and manner of payment of taxes, which shall not be more often than quarterly.

46           3. The owner or operator of a hazardous waste disposal facility must close that facility  
47 upon termination of its operation, and shall after closure of the facility provide for protection  
48 during a postclosure care period, in accordance with the requirements of the commission,  
49 including the funds necessary for same. Protection shall include, but not be limited to,  
50 monitoring and maintenance subject to the rules and regulations of the hazardous waste  
51 management commission. The owner or operator shall maintain a hazardous waste facility  
52 permit for the postclosure care period. The operator and the state may enter into an agreement  
53 consistent with the rules and regulations of the hazardous waste management commission where  
54 the state may accept deed to, and monitor and maintain the site.

55           4. All owners or operators of hazardous waste facilities who have obtained, or are  
56 required to obtain, a hazardous waste facility permit from the department and who accept, on a  
57 commercial basis for remuneration, hazardous waste from off-site sources, but not including  
58 wastes generated by the same person at other sites located in Missouri or within a metropolitan  
59 statistical area located partially in Missouri and owned or operated by the same person and  
60 transferred to the hazardous waste facility, for treatment, storage or disposal, shall pay fees for  
61 inspections conducted by the department to determine compliance with sections 260.350 to  
62 260.430 and the rules promulgated thereunder. Hazardous waste facility inspection fees shall  
63 be specified by the hazardous waste management commission by rule. The inspection fees shall  
64 be used by the department as specified in subsection 3 of section 260.391.

260.395. 1. After six months from the effective date of the standards, rules and  
2 regulations adopted by the commission pursuant to section 260.370, it shall be unlawful for any  
3 person to transport any hazardous waste in this state without first obtaining a hazardous waste  
4 transporter license. Any person transporting hazardous waste in this state shall file an  
5 application for a license pursuant to this subsection which shall:

6           (1) Be submitted on a form provided for this purpose by the department and shall furnish  
7 the department with such equipment identification and data as may be necessary to demonstrate

8 to the satisfaction of the department that equipment engaged in such transportation of hazardous  
9 waste, and other equipment as designated in rules and regulations pursuant to sections 260.350  
10 to 260.430, is adequate to provide protection of the health of humans and the environment and  
11 to comply with the provisions of any federal hazardous waste management act and sections  
12 260.350 to 260.430 and the standards, rules and regulations adopted pursuant to sections 260.350  
13 to 260.430. If approved by the department, this demonstration of protection may be satisfied by  
14 providing certification that the equipment so identified meets and will be operated in accordance  
15 with the rules and regulations of the Missouri public service commission and the federal  
16 Department of Transportation for the transportation of the types of hazardous materials for which  
17 it will be used;

18 (2) Include, as specified by rules and regulations, demonstration of financial  
19 responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or  
20 any combination thereof which shall be related to the number of units, types and sizes of  
21 equipment to be used in the transport of hazardous waste by the applicant;

22 (3) Include, as specified in rules and regulations, a fee payable to the state of Missouri  
23 which shall consist of an annual application fee, plus an annual use fee based upon tonnage,  
24 mileage or a combination of tonnage and mileage. The fees established pursuant to this  
25 subdivision shall be set to generate, as nearly as is practicable, six hundred thousand dollars  
26 annually. No fee shall be collected pursuant to this subdivision from railroads that pay a fee  
27 pursuant to subsection 19 of this section. Fees collected pursuant to this subdivision shall be  
28 deposited in the hazardous waste fund created pursuant to section 260.391.

29 2. If the department determines the application conforms to the provisions of any federal  
30 hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and  
31 regulations adopted pursuant to sections 260.350 to 260.430, it shall issue the hazardous waste  
32 transporter license with such terms and conditions as it deems necessary to protect the health of  
33 humans and the environment. The department shall act within ninety days after receipt of the  
34 application. If the department denies the license, it shall issue a report to the applicant stating  
35 the reason for denial of the license.

36 3. A license may be suspended or revoked whenever the department determines that the  
37 equipment is or has been operated in violation of any provision of sections 260.350 to 260.430  
38 or any standard, rule or regulation, order, or license term or condition adopted or issued pursuant  
39 to sections 260.350 to 260.430, poses a threat to the health of humans or the environment, or is  
40 creating a public nuisance.

41 4. Whenever a license is issued, renewed, denied, suspended or revoked by the  
42 department, any aggrieved person, by petition filed with the department within thirty days of the  
43 decision, may appeal such decision and shall be entitled to a hearing as provided in section  
44 260.400.

45 5. A license shall be issued for a period of one year and shall be renewed upon proper  
46 application by the holder and a determination by the department that the applicant is in

47 compliance with all provisions of sections 260.350 to 260.430 and all standards, rules and  
48 regulations, orders and license terms and conditions adopted or issued pursuant to sections  
49 260.350 to 260.430.

50         6. A license is not required for the transport of any hazardous waste on the premises  
51 where it is generated or onto contiguous property owned by the generator thereof, or for those  
52 persons exempted in section 260.380. Nothing in this subsection shall be interpreted to preclude  
53 the department from inspecting unlicensed hazardous waste transporting equipment and to  
54 require that it be adequate to provide protection for the health of humans and the environment.

55         7. After six months from the effective date of the standards, rules and regulations  
56 adopted by the commission pursuant to section 260.370, it shall be unlawful for any person to  
57 construct, substantially alter or operate, including [postclosure activities and] operations  
58 specified in the rules and regulations, a hazardous waste facility without first obtaining a  
59 hazardous waste facility permit for such construction, alteration or operation from the  
60 department. Such person must submit to the department at least ninety days prior to submitting  
61 a permit application a letter of intent to construct, substantially alter or operate any hazardous  
62 waste disposal facility. The person must file an application within one hundred eighty days of  
63 the filing of a letter of intent unless granted an extension by the commission. The department  
64 shall publish such letter of intent as specified in section 493.050 within ten days of receipt of  
65 such letter. The letter shall be published once each week for four weeks in the county where the  
66 hazardous waste disposal facility is proposed. Once such letter is submitted, all conditions for  
67 the permit application evaluation purposes in existence as of the date of submission shall be  
68 deemed frozen, in that no subsequent action by any person to change such conditions in an  
69 attempt to thwart a fair and impartial decision on the application for a permit shall be allowed  
70 as grounds for denial of the permit. Any person before constructing, substantially altering or  
71 operating a hazardous waste facility in this state shall file an application for a permit which shall:

72         (1) Be submitted on a form provided for this purpose by the department and shall furnish  
73 the department with plans, specifications and such other data as may be necessary to demonstrate  
74 to the satisfaction of the department that such facility does or will provide adequate protection  
75 of the health of humans and the environment and does or will comply with the provisions of any  
76 federal hazardous waste management act and sections 260.350 to 260.430 and the standards,  
77 rules and regulations adopted pursuant to sections 260.350 to 260.430;

78         (2) Include plans, designs, engineering reports and relevant data for construction,  
79 alteration or operation of a hazardous waste facility, to be submitted to the department by a  
80 registered professional engineer licensed by this state;

81         (3) Include, as specified by rules and regulations, demonstration of financial  
82 responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or  
83 any combination thereof, which shall be related to type and size of facility;

84         (4) Include such environmental and geologic information, assessments and studies as  
85 required by the rules and regulations of the commission;

86 (5) [Submit with the application for a hazardous waste disposal or treatment facility a  
87 profile of the environmental and economic characteristics of the area as required by the  
88 commission, including the extent of air pollution and groundwater contamination; and a profile  
89 of the health characteristics of the area which identifies all serious illness, the rate of which  
90 exceeds the state average for such illness, which might be attributable to environmental  
91 contamination;

92 (6) Include a fee payable to the state of Missouri which shall not exceed one thousand  
93 dollars, which shall cover the first year of the permit, if issued, but which is not refundable. If  
94 the permit is issued for more than one year, a fee equal in amount to the first year's fee shall be  
95 paid to the state of Missouri prior to issuance of the permit for each year the permit is to be in  
96 effect beyond the first year;

97 [(7)] (6) The department shall supervise any field work undertaken to collect geologic  
98 and engineering data for submission with the application. The state geologist and departmental  
99 engineers shall review the geologic and engineering plans, respectively, and attest to their  
100 accuracy and adequacy. The applicant shall pay all reasonable costs, as determined by the  
101 commission, incurred by the department pursuant to this subsection.

102 8. (1) Prior to issuing or renewing a hazardous waste facility permit, the department  
103 shall issue public notice by press release or advertisement and shall notify all record owners of  
104 adjoining property by mail directed to the last known address, and the village, town or city, if  
105 any, and the county in which the hazardous waste facility is located; and, upon request, shall hold  
106 a public hearing after public notice as required in this subsection at a location convenient to the  
107 area affected by the issuance of the permit.

108 (2) Prior to issuing[, reviewing every five years as required in subsection 12 of this  
109 section,] or renewing a hazardous waste disposal facility permit the department shall issue public  
110 notice by press release and advertisement and shall notify all record owners of property, within  
111 one mile of the outer boundaries of the site, by mail directed to the last known address; and shall  
112 hold a public hearing after public notice as required in this subsection at a location convenient  
113 to the area affected by the issuance of the permit.

114 9. If the department determines that the application conforms to the provisions of any  
115 federal hazardous waste management act and sections 260.350 to 260.430 and the standards,  
116 rules and regulations adopted pursuant to sections 260.350 to 260.430, it shall issue the  
117 hazardous waste facility permit, with such terms and conditions and require such testing and  
118 construction supervision as it deems necessary to protect the health of humans or the  
119 environment. The department shall act within one hundred and eighty days after receipt of the  
120 application. If the department denies the permit, it shall issue a report to the applicant stating  
121 the reason for denial of a permit.

122 10. A permit may be suspended or revoked whenever the department determines that the  
123 hazardous waste facility is, or has been, operated in violation of any provision of sections  
124 260.350 to 260.430 or any standard, rule or regulation, order or permit term or condition adopted

125 or issued pursuant to sections 260.350 to 260.430, poses a threat to the health of humans or the  
126 environment or is creating a public nuisance.

127 11. Whenever a permit is issued, renewed, denied, suspended or revoked by the  
128 department, any aggrieved person, by petition filed with the department within thirty days of the  
129 decision, may appeal such decision and shall be entitled to a hearing as provided in section  
130 260.400.

131 12. A permit shall be issued for a fixed term, which shall not exceed ten years in the case  
132 of any land disposal facility, storage facility, incinerator, or other treatment facility. [Each permit  
133 for a land disposal facility shall be reviewed five years after the date of its issuance or reissuance  
134 and shall be modified as necessary to assure that the facility continues to comply with the  
135 currently applicable requirements of federal and state law.] Nothing in this subsection shall  
136 preclude the department from reviewing and modifying a permit at any time during its term.  
137 Review of any application for a permit renewal shall consider improvements in the state of  
138 control and measurement technology as well as changes in applicable regulations. Each permit  
139 issued pursuant to this section shall contain such terms and conditions as the department  
140 determines necessary to protect human health and the environment, and upon proper application  
141 by the holder and a determination by the department that the applicant is in compliance with all  
142 provisions of sections 260.350 to 260.430 and all standards, rules and regulations, orders and  
143 permit terms and conditions adopted or issued pursuant to sections 260.350 to 260.430.

144 13. A hazardous waste facility permit is not required for:

145 (1) On-site storage of hazardous wastes where such storage is exempted by the  
146 commission by rule or regulation; however, such storage must conform to the provisions of any  
147 federal hazardous waste management act and sections 260.350 to 260.430 and the applicable  
148 standards, rules and regulations adopted pursuant to sections 260.350 to 260.430 and any other  
149 applicable hazardous materials storage and spill-prevention requirements provided by law;

150 (2) A publicly owned treatment works which has an operating permit pursuant to section  
151 644.051 and is in compliance with that permit;

152 (3) A resource recovery facility which the department certifies uses hazardous waste as  
153 a supplement to, or substitute for, nonwaste material, and that the sole purpose of the facility is  
154 manufacture of a product rather than treatment or disposal of hazardous wastes;

155 (4) That portion of a facility engaged in hazardous waste resource recovery, when the  
156 facility is engaged in both resource recovery and hazardous waste treatment or disposal, provided  
157 the owner or operator can demonstrate to the department's satisfaction and the department finds  
158 that such portion is not intended and is not used for hazardous waste treatment or disposal.

159 14. Facilities exempted pursuant to subsection 13 of this section must comply with the  
160 provisions of subdivisions (3) to (7) of section 260.390 and such other requirements, to be  
161 specified by rules and regulations, as are necessary to comply with any federal hazardous waste  
162 management act or regulations hereunder. Generators who use such an exempted facility shall  
163 keep records of hazardous wastes transported, except by legal flow through sewer lines, to the

164 facility and submit such records to the department in accordance with the provisions of section  
165 260.380 and the standards, rules and regulations adopted pursuant to sections 260.350 to  
166 260.430. Any person, before constructing, altering or operating a resource recovery facility in  
167 this state shall file an application for a certification. Such application shall include:

168 (1) Plans, designs, engineering reports and other relevant information as specified by rule  
169 that demonstrate that the facility is designed and will operate in a manner protective of human  
170 health and the environment; and

171 (2) An application fee of not more than five hundred dollars for a facility that recovers  
172 waste generated at the same facility or an application fee of not more than one thousand dollars  
173 for a facility that recovers waste generated at off-site sources. Such fees shall be deposited in  
174 the hazardous waste fund created in section 260.391. The department shall review such  
175 application for conformance with applicable laws, rules and standard engineering principles and  
176 practices. The applicant shall pay to the department all reasonable costs, as determined by the  
177 commission, incurred by the department pursuant to this subsection. All such funds shall be  
178 deposited in the hazardous waste fund created in section 260.391.

179 15. The owner or operator of any hazardous waste facility in existence on September 28,  
180 1977, who has achieved federal interim status pursuant to 42 U.S.C. 6925(e), and who has  
181 submitted to the department Part A of the federal facility permit application, may continue to  
182 receive and manage hazardous wastes in the manner as specified in the Part A application, and  
183 in accordance with federal interim status requirements, until completion of the administrative  
184 disposition of a permit application submitted pursuant to sections 260.350 to 260.430. The  
185 department may at any time require submission of, or the owner or operator may at any time  
186 voluntarily submit, a complete application for a permit pursuant to sections 260.350 to 260.430  
187 and commission regulations. The authority to operate pursuant to this subsection shall cease one  
188 hundred eighty days after the department has notified an owner or operator that an application  
189 for permit pursuant to sections 260.350 to 260.430 must be submitted, unless within such time  
190 the owner or operator submits a completed application therefor. Upon submission of a complete  
191 application, the authority to operate pursuant to this subsection shall continue for such reasonable  
192 time as is required to complete the administrative disposition of the permit application. If a  
193 facility loses its federal interim status, or the Environmental Protection Agency requires the  
194 owner or operator to submit Part B of the federal application, the department shall notify the  
195 owner or operator that an application for a permit must be submitted pursuant to this subsection.  
196 In addition to compliance with the federal interim status requirements, the commission shall have  
197 the authority to adopt regulations requiring persons operating pursuant to this subsection to meet  
198 additional state interim status requirements.

199 16. [A license or permit shall not be issued to any person who is determined by the  
200 department to habitually engage in or to have habitually engaged in hazardous waste  
201 management practices which pose a threat to the health of humans or the environment or who  
202 is determined by the department to habitually violate or to have habitually violated the



requirements of the Missouri solid or hazardous waste laws, the solid or hazardous waste laws of other states or federal laws pertaining to hazardous waste. Nor shall a license or permit be issued to any person who has been adjudged in contempt of any court order enforcing the provisions of the Missouri solid or hazardous waste laws, the solid or hazardous waste laws of other states or federal laws pertaining to hazardous waste or who has offered, in person or through an agent, any inducement, including any discussion of potential employment opportunities, to any employee of the department when such person has an application for a permit pending or a permit under review. For the purposes of this subsection, the term "person" shall include any officer or management employee of the applicant, or any officer or management employee of any corporation or business which owns an interest in the applicant, or any officer or management employee of any business which is owned either wholly or in part by any person, corporation, or business which owns an interest in the applicant.

17.] No person, otherwise qualified pursuant to sections 260.350 to 260.430 for a license to transport hazardous wastes or for a permit to construct, substantially alter or operate a hazardous waste facility, shall be denied such license or permit on the basis of a lack of need for such transport service or such facility because of the existence of other services or facilities capable of meeting that need; except that permits for hazardous waste facilities may be denied on determination made by the department that the financial resources of the persons applying are such that the continued operation of the sites in accordance with sections 260.350 to 260.430 cannot be reasonably assured or on determination made by the department that the probable volume of business is insufficient to ensure and maintain the solvency of then existing permitted hazardous waste facilities.

[18.] 17. All hazardous waste landfills constructed after October 31, 1980, shall have a leachate collection system. The rules and regulations of the commission shall treat and protect all aquifers to the same level of protection. The provisions of this subsection shall not apply to the disposal of tailings and slag resulting from mining, milling and primary smelting operations.

[19.] 18. Any railroad corporation as defined in section 388.010 that transports any hazardous waste as defined in section 260.360 or any hazardous substance as defined in section 260.500 shall pay an annual fee of three hundred fifty dollars. Fees collected pursuant to this subsection shall be deposited in the hazardous waste fund created in section 260.391.

260.475. 1. Every hazardous waste generator located in Missouri shall pay, in addition to the fees imposed in section 260.380, a fee of twenty-five dollars per ton annually on all hazardous waste which is discharged, deposited, dumped or placed into or on the soil as a final action, and two dollars per ton on all other hazardous waste transported off site. No fee shall be imposed upon any hazardous waste generator who registers less than ten tons of hazardous waste annually pursuant to section 260.380, or upon:

(1) Hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site;

9 (2) Fly ash waste, bottom ash waste, slag waste and flue gas emission control waste  
10 generated primarily from the combustion of coal or other fossil fuels;

11 (3) Solid waste from the extraction, beneficiation and processing of ores and minerals,  
12 including phosphate rock and overburden from the mining of uranium ore and smelter slag waste  
13 from the processing of materials into reclaimed metals;

14 (4) Cement kiln dust waste;

15 (5) Waste oil; or

16 (6) Hazardous waste that is:

17 (a) Reclaimed or reused for energy and materials;

18 (b) Transformed into new products which are not wastes;

19 (c) Destroyed or treated to render the hazardous waste nonhazardous; or

20 (d) Waste discharged to a publicly owned treatment works.

21 2. The fees imposed in this section shall be reported and paid to the department on an  
22 annual basis not later than the first of January. The payment shall be accompanied by a return  
23 in such form as the department may prescribe.

24 3. All moneys collected or received by the department pursuant to this section shall be  
25 transmitted to the department of revenue for deposit in the state treasury to the credit of the  
26 hazardous waste fund created pursuant to section 260.391. Following each annual reporting date,  
27 the state treasurer shall certify the amount deposited in the fund to the commission.

28 4. If any generator or transporter fails or refuses to pay the fees imposed by this section,  
29 or fails or refuses to furnish any information reasonably requested by the department relating to  
30 such fees, there shall be imposed, in addition to the fee determined to be owed, a penalty of  
31 fifteen percent of the fee shall be deposited in the hazardous waste fund.

32 5. If the fees or any portion of the fees imposed by this section are not paid by the date  
33 prescribed for such payment, there shall be imposed interest upon the unpaid amount at the rate  
34 of ten percent per annum from the date prescribed for its payment until payment is actually made,  
35 all of which shall be deposited in the hazardous waste fund.

36 6. The state treasurer is authorized to deposit all of the moneys in the hazardous waste  
37 fund in any of the qualified depositories of the state. All such deposits shall be secured in such  
38 a manner and shall be made upon such terms and conditions as are now or may hereafter be  
39 provided for by law relative to state deposits. Interest received on such deposits shall be credited  
40 to the hazardous waste fund.

41 7. This fee shall expire December 31, 2013, except that the department shall levy and  
42 collect this fee for any hazardous waste generated prior to such date and reported to the  
43 department.

44 **8. The director of the department of natural resources may conduct a**  
45 **comprehensive review of the fee structure set forth in this section. The comprehensive**  
46 **review shall include stakeholder meetings in order to solicit stakeholder input. Upon**  
47 **completion of the comprehensive review, the department shall submit proposed changes**

48 **to the fee structure to the hazardous waste management commission. The commission**  
49 **shall, upon receiving the department's recommendations, review such recommendations**  
50 **at the forthcoming regular meeting. The commission shall not take a vote on the fee**  
51 **structure until the following regular meeting. If the commission approves, by vote, the**  
52 **hazardous waste fee structure recommendations, the commission shall promulgate by**  
53 **regulation and publish the recommended fee structure. If such rules are not disapproved**  
54 **by the general assembly in the manner set out below, they shall take effect on January first**  
55 **of the next odd-numbered year. Any regulation promulgated under this subsection shall**  
56 **be deemed to be beyond the scope and authority provided in this subsection, or detrimental**  
57 **to permit applicants, if the general assembly, within the first sixty calendar days of the**  
58 **regular session immediately following the promulgation of such regulation, by concurrent**  
59 **resolution, shall disapprove the fee structure contained in such regulation. If the general**  
60 **assembly so disapproves any regulation promulgated under this subsection, the hazardous**  
61 **waste management commission shall continue to use the fee structure set forth in the most**  
62 **recent preceding regulation promulgated under this subsection.**

261.023. 1. There is hereby created a department of agriculture to be headed by a  
2 director of the department of agriculture to be appointed by the governor, by and with the advice  
3 and consent of the senate. The director shall possess the qualifications presently provided by law  
4 for the position of commissioner of agriculture.

2. All powers, duties and functions now vested by law to the commissioner of the  
6 department of agriculture and the department of agriculture, chapter 261 and others, are  
7 transferred by type I transfer to the director of the department of agriculture and to the  
8 department of agriculture herein created.

3. The state horticultural society created by sections 262.010 and 262.020 is transferred  
10 by type I transfer to the department of agriculture.

4. All the powers, duties, and functions vested in the state milk board, chapter 196, are  
12 transferred to the department of agriculture by type III transfer. The appointed members of the  
13 board shall be nominated by the department director, and appointed by the governor with the  
14 advice and consent of the senate. The department of health and senior services shall retain the  
15 powers, duties and functions assigned by chapter 196.

5. All the powers, duties, functions and properties of the state fruit experiment station,  
17 chapter 262, are transferred by type I transfer to the Southwest Missouri State University and  
18 fruit experiment station board of trustees is abolished.

6. All the powers, duties and functions of the department of revenue relating to the  
20 inspection of motor fuel and special fuel distributors, chapters 323 and 414, are transferred by  
21 type I transfer to the department of agriculture and to the director of that department. The  
22 collection of the taxes provided in chapters 142 and 136, however, shall be made by the  
23 department of revenue.

24           **7. All the powers, duties, and functions of the land survey program of the**  
25 **department of natural resources are transferred to the department of agriculture by type**  
26 **I transfer.**

          319.129. 1. There is hereby created a special trust fund to be known as the "Petroleum  
2 Storage Tank Insurance Fund" within the state treasury which shall be the successor to the  
3 underground storage tank insurance fund. Moneys in such special trust fund shall not be deemed  
4 to be state funds. Notwithstanding the provisions of section 33.080 to the contrary, moneys in  
5 the fund shall not be transferred to general revenue at the end of each biennium.

6           2. The owner or operator of any underground storage tank, including the state of  
7 Missouri and its political subdivisions and public transportation systems, in service on August  
8 28, 1989, shall submit to the department a fee of one hundred dollars per tank on or before  
9 December 31, 1989. The owner or operator of any underground storage tank who seeks to  
10 participate in the petroleum storage tank insurance fund, including the state of Missouri and its  
11 political subdivisions and public transportation systems, and whose underground storage tank  
12 is brought into service after August 28, 1998, shall transmit one hundred dollars per tank to the  
13 board with his or her initial application. Such amount shall be a one-time payment, and shall be  
14 in addition to the payment required by section 319.133. The owner or operator of any  
15 aboveground storage tank regulated by this chapter, including the state of Missouri and its  
16 political subdivisions and public transportation systems, who seeks to participate in the  
17 petroleum storage tank insurance fund, shall transmit one hundred dollars per tank to the board  
18 with his or her initial application. Such amount shall be a one-time payment and shall be in  
19 addition to the payment required by section 319.133. Moneys received pursuant to this section  
20 shall be transmitted to the director of revenue for deposit in the petroleum storage tank insurance  
21 fund.

22           3. The state treasurer may deposit moneys in the fund in any of the qualified depositories  
23 of the state. All such deposits shall be secured in a manner and upon the terms as are provided  
24 by law relative to state deposits. Interest earned shall be credited to the petroleum storage tank  
25 insurance fund.

26           4. The general administration of the fund and the responsibility for the proper operation  
27 of the fund, including all decisions relating to payments from the fund, are hereby vested in a  
28 board of trustees. The board of trustees shall consist of the commissioner of administration or  
29 the commissioner's designee, the director of the department of natural resources or the director's  
30 designee, the director of the department of agriculture or the director's designee, and eight  
31 citizens appointed by the governor with the advice and consent of the senate. Three of the  
32 appointed members shall be owners or operators of retail petroleum storage tanks, including one  
33 tank owner or operator of greater than one hundred tanks; one tank owner or operator of less than  
34 one hundred tanks; and one aboveground storage tank owner or operator. One appointed trustee  
35 shall represent a financial lending institution, and one appointed trustee shall represent the  
36 insurance underwriting industry. One appointed trustee shall represent industrial or commercial

37 users of petroleum. The two remaining appointed citizens shall have no petroleum-related  
38 business interest, and shall represent the nonregulated public at large. The members appointed  
39 by the governor shall serve four-year terms except that the governor shall designate two of the  
40 original appointees to be appointed for one year, two to be appointed for two years, two to be  
41 appointed for three years and two to be appointed for four years. Any vacancies occurring on  
42 the board shall be filled in the same manner as provided in this section.

43 5. The board shall meet in Jefferson City, Missouri, within thirty days following August  
44 28, 1996. Thereafter, the board shall meet upon the written call of the chairman of the board or  
45 by the agreement of any six members of the board. Notice of each meeting shall be delivered  
46 to all other trustees in person or by registered mail not less than six days prior to the date fixed  
47 for the meeting. The board may meet at any time by unanimous mutual consent.  
48 There shall be at least one meeting in each quarter.

49 6. Six trustees shall constitute a quorum for the transaction of business, and any official  
50 action of the board shall be based on a majority vote of the trustees present.

51 7. The trustees shall serve without compensation but shall receive from the fund their  
52 actual and necessary expenses incurred in the performance of their duties for the board.

53 8. The board of trustees shall be a type III agency and shall appoint an executive director  
54 and other employees as needed, who shall be state employees and be eligible for all  
55 corresponding benefits. The executive director shall have charge of the offices, operations,  
56 records, and other employees of the board, subject to the direction of the board. Employees of  
57 the board shall receive such salaries and necessary expenses as shall be fixed by the board.

58 9. Staff resources for the Missouri petroleum storage tank insurance fund may be  
59 provided by the department of natural resources, **department of insurance, financial**  
60 **institutions and professional registration**, or another state agency as otherwise specifically  
61 determined by the board. The fund shall compensate the department of natural resources,  
62 **department of insurance, financial institutions and professional registration**, or other state  
63 agency for all costs of providing staff required by this subsection. Such compensation shall be  
64 made pursuant to contracts negotiated between the board and the department of natural resources,  
65 **department of insurance, financial institutions and professional registration**, or other state  
66 agency.

67 10. In order to carry out the fiduciary management of the fund, the board may select and  
68 employ, or may contract with, persons experienced in insurance underwriting, accounting, the  
69 servicing of claims and rate making, and legal counsel to defend third-party claims, who shall  
70 serve at the board's pleasure. Invoices for such services shall be presented to the board in  
71 sufficient detail to allow a thorough review of the costs of such services.

72 11. At the first meeting of the board, the board shall elect one of its members as  
73 chairman. The chairman shall preside over meetings of the board and perform such other duties  
74 as shall be required by action of the board.

75           12. The board shall elect one of its members as vice chairman, and the vice chairman  
76 shall perform the duties of the chairman in the absence of the latter or upon the chairman's  
77 inability or refusal to act.

78           13. The board shall determine and prescribe all rules and regulations as they relate to  
79 fiduciary management of the fund, pursuant to the purposes of sections 319.100 to 319.137. In  
80 no case shall the board have oversight regarding environmental cleanup standards for petroleum  
81 storage tanks.

82           14. No trustee or staff member of the fund shall receive any gain or profit from any  
83 moneys or transactions of the fund. This shall not preclude any eligible trustee from making a  
84 claim or receiving benefits from the petroleum storage tank insurance fund as provided by  
85 sections 319.100 to 319.137.

86           15. The board may reinsure all or a portion of the fund's liability. Any insurer who sells  
87 environmental liability insurance in this state may, at the option of the board, reinsure some  
88 portion of the fund's liability.

89           16. The petroleum storage tank insurance fund shall expire on December 31, 2020,  
90 unless extended by action of the general assembly. After December 31, 2020, the board of  
91 trustees may continue to function for the sole purpose of completing payment of claims made  
92 prior to December 31, 2020.

93           17. The board shall annually commission an independent financial audit of the petroleum  
94 storage tank insurance fund. The board shall biennially commission an actuarial analysis of the  
95 petroleum storage tank insurance fund. The results of the financial audit and the actuarial  
96 analysis shall be made available to the public. The board may contract with third parties to carry  
97 out the requirements of this subsection.

98           **18. The petroleum storage tank insurance fund board of trustees created under this**  
99 **section is hereby transferred by type III transfer to the department of insurance, financial**  
100 **institutions and professional registration.**

319.132. 1. The board shall assess a surcharge on all petroleum products within this  
2 state which are enumerated by section 414.032. Except as specified by this section, such  
3 surcharge shall be administered pursuant to the provisions of subsections 1 to 5 of section  
4 414.102 and subsections 1 and 2 of section 414.152. Such surcharge shall be imposed upon such  
5 petroleum products within this state and shall be assessed on each transport load, or the  
6 equivalent of an average transport load if moved by other means. All revenue generated by the  
7 assessment of such surcharges shall be deposited to the credit of the special trust fund known as  
8 the petroleum storage tank insurance fund.

9           2. Any person who claims to have paid the surcharge in error may file a claim for a  
10 refund with the board within three years of the payment. The claim shall be in writing and  
11 signed by the person or the person's legal representative. The board's decision on the claim shall  
12 be in writing and may be delivered to the person by first class mail. Any person aggrieved by  
13 the board's decision may seek judicial review by bringing an action against the board in the

14 circuit court of Cole County pursuant to section 536.150 no later than sixty days following the  
15 date the board's decision was mailed. The department of revenue shall not be a party to such  
16 proceeding.

17 3. The board shall assess and annually reassess the financial soundness of the petroleum  
18 storage tank insurance fund.

19 4. (1) The board shall set, in a public meeting with an opportunity for public comment,  
20 the rate of the surcharge that is to be assessed on each such transport load or equivalent but such  
21 rate shall be no more than sixty dollars per transport load or an equivalent thereof. A transport  
22 load shall be deemed to be eight thousand gallons.

23 (2) The board may increase or decrease the surcharge, up to a maximum of sixty dollars,  
24 only after giving at least sixty days' notice of its intention to alter the surcharge; provided  
25 however, the board shall not increase the surcharge by more than fifteen dollars in any year. The  
26 board must coordinate its actions with the department of revenue to allow adequate time for  
27 implementation of the surcharge change.

28 (3) If the fund's cash balance on the first day of any month exceeds the sum of its  
29 liabilities, plus ten percent, the transport load fee shall automatically revert to twenty-five dollars  
30 per transport load on the first day of the second month following this event.

31 (4) Moneys generated by this surcharge shall not be used for any purposes other than  
32 those outlined in sections 319.129 through 319.133 and section 319.138. Nothing in this  
33 subdivision shall limit the board's authority to contract with the department of [natural resources]  
34 **insurance, financial institutions and professional registration** pursuant to section 319.129  
35 to carry out the purposes of the fund as determined by the board.

36 5. The board shall ensure that the fund retain a balance of at least twelve million dollars  
37 but not more than one hundred million dollars. If, at the end of any quarter, the fund balance is  
38 above one hundred million dollars, the treasurer shall notify the board thereof. The board shall  
39 suspend the collection of fees pursuant to this section beginning on the first day of the first  
40 quarter following the receipt of notice. If, at the end of any quarter, the fund balance is below  
41 twenty million dollars, the treasurer shall notify the board thereof. The board shall reinstate the  
42 collection of fees pursuant to this section beginning on the first day of the first quarter following  
43 the receipt of notice.

44 6. Railroad corporations as defined in section 388.010 and airline companies as defined  
45 in section 155.010 shall not be subject to the load fee described in this chapter nor permitted to  
46 participate in or make claims against the petroleum storage tank insurance fund created in section  
47 319.129.

**537.556. In all civil actions involving claims that arise from the ownership,  
2 maintenance, management, or control of underground hard rock mining or hard rock  
3 milling sites that ceased operations prior to January 1, 1975, or that arise from chat or  
4 tailings generated at those sites, brought against persons or entities alleged to have owned,  
5 maintained, managed, or controlled such sites, chat, or tailings at any time, such persons**

6 and entities shall be exempt from punitive or exemplary damages with respect to all claims  
7 that relate in any way to the ownership, maintenance, management, or control of such sites,  
8 chat, or tailings, so long as such persons or entities or their employees, agents, owners,  
9 parent, subsidiary, or any related companies have made or are making good faith efforts  
10 to remediate such sites. Any evidence may be introduced to demonstrate good faith efforts  
11 to remediate; however, substantial compliance with an order or permit issued by or  
12 negotiated with either the state of Missouri or the United States concerning remediation  
13 or closure shall be deemed to be good faith efforts to remediate. The exemption from  
14 punitive damages provided for in this section shall not apply if the trier of fact finds that  
15 the injury that is the subject of the civil action is attended by circumstances of fraud,  
16 malice, or willful and wanton conduct. In the event that good faith efforts to remediate a  
17 site have not been made or the injury is found to be attended by circumstances of fraud,  
18 malice, or willful and wanton conduct, then the total of any awards of punitive or  
19 exemplary damages shall not exceed five hundred thousand dollars in the aggregate as to  
20 all defendants in a civil action within this section. The provision of section 537.675 shall  
21 not apply to such action, and one-half of any such awards for punitive or exemplary  
22 damages shall be paid into the Missouri lead abatement loan fund established under  
23 section 701.337. Nothing in this section shall be construed as precluding any party from  
24 pursuing compensatory damages, including claims for natural resource damages.

640.010. 1. There is hereby created a department of natural resources in charge of a  
2 director appointed by the governor, by and with the advice and consent of the senate. The  
3 director shall administer the programs assigned to the department relating to environmental  
4 control and the conservation and management of natural resources. The director shall coordinate  
5 and supervise all staff and other personnel assigned to the department. He shall faithfully cause  
6 to be executed all policies established by the boards and commissions assigned to the  
7 department, be subject to their decisions as to all substantive and procedural rules and his  
8 decisions shall be subject to appeal to the board or commission on request of the board or  
9 commission or by affected parties. The director shall recommend policies to the various boards  
10 and commissions assigned to the department to achieve effective and coordinated environmental  
11 control and natural resource conservation policies.

12 2. The director shall appoint directors of staff to service each of the policy making  
13 boards or commissions assigned to the department. Each director of staff shall be qualified by  
14 education, training and experience in the technical matters of the board to which he is assigned  
15 and his appointment shall be approved by the board to which he is assigned and he shall be  
16 removed or reassigned on their request in writing to the director of the department. All other  
17 employees of the department and of each board and commission assigned to the department shall  
18 be appointed by the director of the department in accord with chapter 36, and shall be assigned  
19 and may be reassigned as required by the director of the department in such a manner as to  
20 provide optimum service, efficiency and economy.



21           3. The air conservation commission, chapter 203 and others, the clean water  
22 commission, chapter 204 and others, are transferred by type II transfer to the department of  
23 natural resources. The governor shall appoint the members of these bodies in accord with the  
24 laws establishing them, with the advice and consent of the senate. The bodies hereby transferred  
25 shall retain all rulemaking and hearing powers allotted by law, as well as those of any bodies  
26 transferred to their jurisdiction. All the powers, duties and functions of the state environmental  
27 improvement authority, chapter 260 and others, are transferred by type III transfer to the air  
28 conservation commission. All the powers, duties and functions of the water resources board,  
29 chapter 256 and others, are transferred by type I transfer to the clean water commission and the  
30 board is abolished. No member of the clean water commission shall receive or shall have  
31 received, during the previous two years from the date of his appointment, a significant portion  
32 of his income directly or indirectly from permit holders or applicants for a permit under the  
33 jurisdiction of the clean water commission. The state park board, chapter 253, is transferred to  
34 the department of natural resources by type I transfer.

35           4. All the powers, duties and functions of the state soil and water districts commission,  
36 chapter 278 and others, are transferred by a type II transfer to the department.

37           5. All the powers, duties and functions of the state geologist, chapter 256 and others, are  
38 transferred by type I transfer to the department of natural resources. [All the powers, duties and  
39 functions of the state land survey authority, chapter 60, are transferred to the department of  
40 natural resources by type I transfer and the authority is abolished.] All the powers, duties and  
41 functions of the state oil and gas council, chapter 259 and others are transferred to the department  
42 of natural resources by type II transfer. The director of the department shall appoint a state  
43 geologist who shall have the duties to supervise and coordinate the work formerly done by the  
44 departments or authorities abolished by this subsection, and shall provide staff services for the  
45 state oil and gas council.

46           6. All the powers, duties and functions of the land reclamation commission, chapter 444  
47 and others, are transferred to the department of natural resources by type II transfer. All  
48 necessary personnel required by the commission shall be selected, employed and discharged by  
49 the commission. The director of the department shall not have the authority to abolish positions.

50           7. The functions performed by the division of health in relation to the maintenance of  
51 a safe quality of water dispensed to the public, sections 640.100 to 640.115, and others, and for  
52 licensing and regulating solid waste management systems and plans are transferred by type I  
53 transfer to the department of natural resources.

54           8. (1) The state interagency council for outdoor recreation, chapter 258, is transferred  
55 to the department of natural resources by type II transfer. The council shall consist of  
56 representatives of the following state agencies: department of agriculture; department of  
57 conservation; office of administration; department of natural resources; department of economic  
58 development; department of social services; department of transportation; and the University of  
59 Missouri.

60 (2) The council shall function as provided in chapter 258, except that the department of  
61 natural resources shall provide all staff services as required by the council notwithstanding the  
62 provisions of sections 258.030 and 258.040, and all personnel and property of the council are  
63 hereby transferred by type I transfer to the department of natural resources and the office of  
64 executive secretary to the council is abolished.

640.017. 1. **Notwithstanding any other provision of law**, for activities that may  
2 require multiple environmental state permits **or certifications**, an applicant may [request to  
3 coordinate] **directly petition the director for purposes of approving or denying such permits**  
4 **or certifications, and for purposes of coordinating** a unified permit schedule with the  
5 department which covers the timing and order to obtain such permits **in a coordinated and**  
6 **streamlined process**. In determining the schedule, the department and applicant shall consider  
7 which permits are most critical for the regulated activity, the need for unified public participation  
8 for all of the regulated aspects of the permitted activity, the applicant's anticipated staging of  
9 construction and financing for the permitted activity, and the applicant's use of innovative  
10 environmental approaches or strategies to minimize its environmental impacts.

11 2. **In order to facilitate a unified and streamlined permitting process, the director**  
12 **shall develop and implement a process to coordinate the processing of multiple**  
13 **environmental permits, certifications, or permit modifications from a single applicant.**

14 3. The department may initiate the unified permits process for a class of similar activities  
15 by notifying any known applicants interested in those regulated activities of the intent to use the  
16 unified process. To the extent practicable and consistent with the purposes of this section, the  
17 department shall coordinate with interested applicants on the unified permit schedule.

18 [3.] 4. The [department] **process developed and implemented by the director** shall  
19 **include working with such applicants in an effort to help** determine, **at the earliest stage**,  
20 all of the permits required for a specific proposed activity based on information provided by the  
21 applicant[;] . Additional information regarding the proposed activity may result in different  
22 permits being required. The department shall [propose] **inform applicants that** a unified  
23 permitting schedule [to interested applicants] **is available as soon as the applicant applies for**  
24 **its second permit**. Any multiple-permit applicant may decline at any time to have its permits  
25 processed in accordance with the schedule and instead proceed [in] **on** a permit-by-permit  
26 approach. The department shall publicize the order and tentative schedule on the department's  
27 internet website.

28 5. **When a unified permit schedule is established for an applicant, the director shall**  
29 **designate one member of his or her staff to serve as the department contact for the permit**  
30 **applicant.**

31 [4.] 6. Following the establishment of a unified permit schedule, the director shall notify  
32 the applicant in writing of the order in which the applicant shall obtain permits. The department  
33 shall proceed to consider applications accordingly and may only modify the schedule with the  
34 consent of the applicant through the date of the public hearing. **The department shall notify**

35 **the applicant throughout the process when deadlines near in an effort to ensure the**  
36 **applicant meets all deadlines set forth in the unified permit schedule.** Each application shall  
37 be reviewed by the department based solely on its own merits and compliance with the applicable  
38 law.

39 [5.] 7. The department shall coordinate with the applicant, to the extent possible, to align  
40 the unified permit process so that all public meetings or hearings related to the permits are  
41 consolidated into one hearing in a location near the facility.

42 [6.] 8. In furtherance of this section, the director may waive otherwise applicable  
43 procedural requirements related to timing as set forth in state environmental laws or rules found  
44 in this chapter and chapters **236, 259, 260, 444, 643, and 644**, so long as:

45 (1) The public comment periods related to each permit are not shortened; and

46 (2) The unified permitting schedule does not impair the ability of the applicant or the  
47 department to comply with substantive legal requirements related to the permit application.

48 [7.] 9. The director shall promulgate rules to implement the provisions of this section.  
49 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the  
50 authority delegated in this section shall become effective only if it complies with and is subject  
51 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
52 chapter 536 are nonseverable and if any of the powers vested with the general assembly under  
53 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
54 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed  
55 or adopted after August 28, 2008, shall be invalid and void.

**640.065. 1. The “Department of Natural Resources Revolving Services Fund” is**  
2 **hereby created. All funds received by the department of natural resources from the**  
3 **delivery of services and the sale or resale of maps, plats, reports, studies, records, and other**  
4 **publications and documents, on paper or in electronic format, shall be credited to the fund.**  
5 **The director of the department shall administer the fund. The state treasurer is the**  
6 **custodian of the fund and may approve disbursements from the fund requested by the**  
7 **director of the department. When appropriated, moneys in the fund shall be used to**  
8 **purchase goods, equipment, hardware and software, maintenance and licenses, software**  
9 **and database development and maintenance, personal services, and other services that will**  
10 **ultimately be used to provide copies of information maintained or provided by the**  
11 **department, reprint maps, publications or other documents requested by governmental**  
12 **agencies or members of the general public; to publish the maps, publications, or other**  
13 **documents; to purchase maps, publications, or other documents for resale; and to pay**  
14 **shipping charges, laboratory services, core library fees, workshop fees, conference fees, and**  
15 **interdivisional cooperative agreements, but for no other purpose.**

16 **2. The department of natural resources may produce, reproduce, and sell maps,**  
17 **plats, reports, studies, and records and shall fix the charge therefor. All income received**

18 shall be promptly deposited in the state treasury to the credit of the department of natural  
19 resources revolving services fund.

20       **3. An unencumbered balance not exceeding one million dollars in the department**  
21 **of natural resources revolving services fund at the end of the fiscal year is exempt from the**  
22 **provisions of section 33.080 relating to the transfer of unexpended balances to the general**  
23 **revenue fund.**

24       **4. The department of natural resources shall report all income to and expenditures**  
25 **from such fund on a quarterly basis to the house of representatives budget committee and**  
26 **the senate appropriations committee.**

640.075. The department of natural resources is authorized to gather data, photographs  
2 and such other materials as may be necessary and to prepare, edit and publish from time to time,  
3 as deemed necessary, copies of a brochure on the Thomas Hart Benton murals in the house  
4 lounge and on other major works of art of the Missouri state capitol. The brochure shall be sold  
5 at a price to be set by the department of natural resources. The proceeds from the sale of the  
6 brochure shall be deposited in the state treasury to the credit of the natural resources [document]  
7 revolving services fund created in section [60.595] **640.065.**

**640.080. 1. For Missouri state parks' designated swim beaches, a standard that**  
2 **measures E. coli using the Environmental Protection Agency's Method 1603, or any other**  
3 **equivalent method that measures culturable E. coli, at a geometric mean (GM) based on**  
4 **weekly sampling over a thirty-day period of one hundred ninety colony forming units per**  
5 **one hundred milliliters shall be utilized.**

6       **2. If beaches exceed the GM standard established in subsection 1 of this section, the**  
7 **department of natural resources shall post the beach with signs that state "Swimming is**  
8 **Not Recommended".**

9       **3. The department reserves the right to close a beach in the event of a documented**  
10 **health risk including things such as but not limited to wastewater by-pass, extremely high**  
11 **sampling values, spills of hazardous chemicals, or localized outbreaks of an infectious**  
12 **disease.**

**640.230. 1. Natural resources damages authorized to be recovered by the natural**  
2 **resources trustee designated by the Governor of the State of Missouri to carry out trustee**  
3 **responsibilities under any state or federal law, shall be modified as follows:**

4       **(1) It is the policy of the State of Missouri to acquire land for future generations.**  
5 **However, nothing in this section shall compel the State to accept a donation of land.**

6       **(2) Any claim of natural resources damages against a potentially responsible party**  
7 **for a release shall be offset by a credit for the full value of any economic and ecological**  
8 **benefits to the State of Missouri and its citizens of any land or other property rights**  
9 **donated to the State of Missouri by that potentially responsible party or its predecessor in**  
10 **interest calculated from the later of (1) the date of the donation of land or property rights;**

11 **(2) the initial date of the release; or (3) the earliest date for which natural resources**  
12 **damages are assessed or claimed.**

13 **(3) In determining the economic benefits of any land or other property rights**  
14 **donated to the State of Missouri, the trustee shall include any fees and other revenues**  
15 **directly received or to be received by the State of Missouri as well as indirect economic**  
16 **benefits to the State of Missouri and its citizens, including recognition of user spending in**  
17 **the area and the economic multiplier effects on the geographic region, household income,**  
18 **and jobs.**

19 **(4) In determining the ecological benefits of land or other property rights donated**  
20 **to the State of Missouri, the trustee shall include the full value of all past, present, and**  
21 **future ecological benefits related to the biota, including any values calculated consistent**  
22 **with the valuation of damages by the trustees or the National Contingency Plan.**

23 **2. Any assessment or claim for natural resources damages of the State of Missouri**  
24 **shall be governed by this section, and the natural resources trustee designated by the**  
25 **Governor of the State of Missouri shall not transfer any such authority to assess or recover**  
26 **damages to such natural resources, whether by agreement or otherwise, to any federal or**  
27 **other trustee of natural resources.**

640.715. 1. Prior to filing an application to acquire a [construction] permit from the  
2 department, the owner or operator of any class IA, class IB, or class IC concentrated animal  
3 feeding operation shall provide the following information to the department, to the county  
4 governing body and to all adjoining property owners of property located within one and one-half  
5 times the buffer distance as specified in subsection 2 of section 640.710 for the size of the  
6 proposed facility:

7 (1) The number of animals anticipated at such facility;  
8 (2) The waste handling plan and general layout of the facility;  
9 (3) The location and number of acres of such facility;  
10 (4) Name, address, telephone number and registered agent for further information as it  
11 relates to subdivisions (1) to (3) of this subsection;

12 (5) Notice that the department will accept written comments from the public for a period  
13 of thirty days; and

14 (6) The address of the regional or state office of the department. The department shall  
15 require proof of such notification upon accepting an application for a [construction] permit. The  
16 department shall accept written comments from the public for thirty days after receipt of  
17 application for [construction] permit.

18 2. The department shall not issue a permit to a facility described in subsection 1 of this  
19 section to engage in any activity regulated by the department unless the applicant is in  
20 compliance with sections 640.700 to 640.755.

21           3. The department shall issue a permit or respond with a letter of comment to the owner  
22 or operator of such facility within forty-five days of receiving a completed permit application and  
23 verification of compliance with subsection 1 of this section.

**640.900. 1. The Missouri weatherization policy advisory council within the**  
2 **department of natural resources shall prepare and present an annual report to the general**  
3 **assembly by December thirty-first of each year.**

4           **2. Notwithstanding any provision of law to the contrary, recipients of any grant or**  
5 **funds from the Weatherization Assistance Program for Low-Income Persons shall be**  
6 **required to attend a financial planning or budgeting course from a local community action**  
7 **group, community college or school to receive the grant or funds. The provisions of this**  
8 **subsection shall be consistent with federal guidelines for the Weatherization Assistance**  
9 **Program for Low-Income Persons as authorized by 42 U.S.C. 6861. If necessary, the**  
10 **department shall apply for any federal waivers to implement the provisions of this**  
11 **subsection.**

          643.079. 1. Any air contaminant source required to obtain a permit issued under sections  
2 643.010 to 643.355 shall pay annually beginning April 1, 1993, a fee as provided herein. For the  
3 first year the fee shall be twenty-five dollars per ton of each regulated air contaminant emitted.  
4 Thereafter, the fee shall be set every three years by the commission by rule and shall be at least  
5 twenty-five dollars per ton of regulated air contaminant emitted but not more than forty dollars  
6 per ton of regulated air contaminant emitted in the previous calendar year. If necessary, the  
7 commission may make annual adjustments to the fee by rule. The fee shall be set at an amount  
8 consistent with the need to fund the reasonable cost of administering sections 643.010 to  
9 643.355, taking into account other moneys received pursuant to sections 643.010 to 643.355.  
10 For the purpose of determining the amount of air contaminant emissions on which the fees  
11 authorized under this section are assessed, a facility shall be considered one source under the  
12 definition of subsection 2 of section 643.078, except that a facility with multiple operating  
13 permits shall pay the emission fees authorized under this section separately for air contaminants  
14 emitted under each individual permit.

15           2. A source which produces charcoal from wood shall pay an annual emission fee under  
16 this subsection in lieu of the fee established in subsection 1 of this section. The fee shall be  
17 based upon a maximum fee of twenty-five dollars per ton and applied upon each ton of regulated  
18 air contaminant emitted for the first four thousand tons of each contaminant emitted in the  
19 amount established by the commission pursuant to subsection 1 of this section, reduced  
20 according to the following schedule:

21           (1) For fees payable under this subsection in the years 1993 and 1994, the fee shall be  
22 reduced by one hundred percent;

23           (2) For fees payable under this subsection in the years 1995, 1996 and 1997, the fee shall  
24 be reduced by eighty percent;

25 (3) For fees payable under this subsection in the years 1998, 1999 and 2000, the fee shall  
26 be reduced by sixty percent.

27 3. The fees imposed in subsection 2 of this section shall not be imposed or collected after  
28 the year 2000 unless the general assembly reimposes the fee.

29 4. Each air contaminant source with a permit issued under sections 643.010 to 643.355  
30 shall pay the fee for the first four thousand tons of each regulated air contaminant emitted each  
31 year but no air contaminant source shall pay fees on total emissions of regulated air contaminants  
32 in excess of twelve thousand tons in any calendar year. A permitted air contaminant source  
33 which emitted less than one ton of all regulated pollutants shall pay a fee equal to the amount per  
34 ton set by the commission. An air contaminant source which pays emission fees to a holder of  
35 a certificate of authority issued pursuant to section 643.140 may deduct such fees from any  
36 amount due under this section. The fees imposed in this section shall not be applied to carbon  
37 oxide emissions. The fees imposed in subsection 1 and this subsection shall not be applied to  
38 sulfur dioxide emissions from any Phase I affected unit subject to the requirements of Title IV,  
39 Section 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651, et seq., any sooner than  
40 January 1, 2000. The fees imposed on emissions from Phase I affected units shall be consistent  
41 with and shall not exceed the provisions of the federal Clean Air Act, as amended, and the  
42 regulations promulgated thereunder. Any such fee on emissions from any Phase I affected unit  
43 shall be reduced by the amount of the service fee paid by that Phase I affected unit pursuant to  
44 subsection 8 of this section in that year. Any fees that may be imposed on Phase I sources shall  
45 follow the procedures set forth in subsection 1 and this subsection and shall not be applied  
46 retroactively.

47 5. Moneys collected under this section shall be transmitted to the director of revenue for  
48 deposit in appropriate subaccounts of the natural resources protection fund created in section  
49 640.220. A subaccount shall be maintained for fees paid by air contaminant sources which are  
50 required to be permitted under Title V of the federal Clean Air Act, as amended, 42 U.S.C.  
51 Section 7661, et seq., and used, upon appropriation, to fund activities by the department to  
52 implement the operating permits program authorized by Title V of the federal Clean Air Act, as  
53 amended. Another subaccount shall be maintained for fees paid by air contaminant sources  
54 which are not required to be permitted under Title V of the federal Clean Air Act as amended,  
55 and used, upon appropriation, to fund other air pollution control program activities. Another  
56 subaccount shall be maintained for service fees paid under subsection 8 of this section by Phase  
57 I affected units which are subject to the requirements of Title IV, Section 404, of the federal  
58 Clean Air Act Amendments of 1990, as amended, 42 U.S.C. 7651, and used, upon appropriation,  
59 to fund air pollution control program activities. The provisions of section 33.080 to the contrary  
60 notwithstanding, moneys in the fund shall not revert to general revenue at the end of each  
61 biennium. Interest earned by moneys in the subaccounts shall be retained in the subaccounts.  
62 The per-ton fees established under subsection 1 of this section may be adjusted annually,  
63 consistent with the need to fund the reasonable costs of the program, but shall not be less than

64 twenty-five dollars per ton of regulated air contaminant nor more than forty dollars per ton of  
65 regulated air contaminant. The first adjustment shall apply to moneys payable on April 1, 1994,  
66 and shall be based upon the general price level for the twelve-month period ending on August  
67 thirty-first of the previous calendar year.

68         6. The department may initiate a civil action in circuit court against any air contaminant  
69 source which has not remitted the appropriate fees within thirty days. In any judgment against  
70 the source, the department shall be awarded interest at a rate determined pursuant to section  
71 408.030 and reasonable attorney's fees. In any judgment against the department, the source shall  
72 be awarded reasonable attorney's fees.

73         7. The department shall not suspend or revoke a permit for an air contaminant source  
74 solely because the source has not submitted the fees pursuant to this section.

75         8. Any Phase I affected unit which is subject to the requirements of Title IV, Section  
76 404, of the federal Clean Air Act, as amended, 42 U.S.C. 7651, shall pay annually beginning  
77 April 1, 1993, and terminating December 31, 1999, a service fee for the previous calendar year  
78 as provided herein. For the first year, the service fee shall be twenty-five thousand dollars for  
79 each Phase I affected generating unit to help fund the administration of sections 643.010 to  
80 643.355. Thereafter, the service fee shall be annually set by the commission by rule, following  
81 public hearing, based on an annual allocation prepared by the department showing the details of  
82 all costs and expenses upon which such fees are based consistent with the department's  
83 reasonable needs to administer and implement sections 643.010 to 643.355 and to fulfill its  
84 responsibilities with respect to Phase I affected units, but such service fee shall not exceed  
85 twenty-five thousand dollars per generating unit. Any such Phase I affected unit which is located  
86 on one or more contiguous tracts of land with any Phase II generating unit that pays fees under  
87 subsection 1 or subsection 2 of this section shall be exempt from paying service fees under this  
88 subsection. A "contiguous tract of land" shall be defined to mean adjacent land, excluding public  
89 roads, highways and railroads, which is under the control of or owned by the permit holder and  
90 operated as a single enterprise.

91         9. The department of natural resources shall determine the fees due pursuant to this  
92 section by the state of Missouri and its departments, agencies and institutions, including two- and  
93 four-year institutions of higher education. The director of the department of natural resources  
94 shall forward the various totals due to the joint committee on capital improvements and the  
95 directors of the individual departments, agencies and institutions. The departments, as part of  
96 the budget process, shall annually request by specific line item appropriation funds to pay said  
97 fees and capital funding for projects determined to significantly improve air quality. If the  
98 general assembly fails to appropriate funds for emissions fees as specifically requested, the  
99 departments, agencies and institutions shall pay said fees from other sources of revenue or funds  
100 available. The state of Missouri and its departments, agencies and institutions may receive  
101 assistance from the small business technical assistance program established pursuant to section  
102 643.173.



103           **10. The director of the department of natural resources may conduct a**  
104 **comprehensive review of the fee structure set forth in this section. The comprehensive**  
105 **review shall include stakeholder meetings in order to solicit stakeholder input. Upon**  
106 **completion of the comprehensive review, the department shall submit proposed changes**  
107 **to the fee structure to the air conservation commission. The commission shall, upon**  
108 **receiving the department's recommendations, review such recommendations at the**  
109 **forthcoming regular or special meeting. The commission shall not take a vote on the fee**  
110 **structure recommendations until the following regular or special meeting. The commission**  
111 **shall review fee structure recommendations from the department. If the commission**  
112 **approves, by vote, the fee structure recommendations, the commission shall promulgate**  
113 **by regulation and publish the recommended fee structure. If such rules are not**  
114 **disapproved by the general assembly in the manner set out below, they shall take effect on**  
115 **January first of the next odd-numbered year. Any regulation promulgated under this**  
116 **subsection shall be deemed to be beyond the scope and authority provided in this**  
117 **subsection, or detrimental to permit applicants, if the general assembly, within the first**  
118 **sixty calendar days of the regular session immediately following the promulgation of such**  
119 **regulation, by concurrent resolution, shall disapprove the fee structure contained in such**  
120 **regulation. If the general assembly so disapproves any regulation promulgated under this**  
121 **subsection, the clean water commission shall continue to use the fee structure set forth in**  
122 **the most recent preceding regulation promulgated under this subsection.**

**644.029. The department shall allow an appropriate schedule of compliance for a**  
2 **permittee to make upgrades or changes to its facilities that are necessary to meet new water**  
3 **quality requirements. For publicly owned treatment works, schedules of compliance shall**  
4 **be consistent with affordability findings made under section 644.145. For privately owned**  
5 **treatment works, schedules of compliance shall be negotiated with the facilities recognizing**  
6 **their financial capabilities and shall reflect statewide performance expectations. The**  
7 **department shall incorporate new water quality requirements into existing permits at the**  
8 **time of permit renewal unless there are compelling reasons to implement these**  
9 **requirements earlier through permit modifications. All new permit applicants may be**  
10 **required to meet any new water quality standards or classifications prescribed by the**  
11 **commission.**

          644.051. 1. It is unlawful for any person:

- 2           (1) To cause pollution of any waters of the state or to place or cause or permit to be  
3 placed any water contaminant in a location where it is reasonably certain to cause pollution of  
4 any waters of the state;
- 5           (2) To discharge any water contaminants into any waters of the state which reduce the  
6 quality of such waters below the water quality standards established by the commission;
- 7           (3) To violate any pretreatment and toxic material control regulations, or to discharge  
8 any water contaminants into any waters of the state which exceed effluent regulations or permit

9 provisions as established by the commission or required by any federal water pollution control  
10 act;

11 (4) To discharge any radiological, chemical, or biological warfare agent or high-level  
12 radioactive waste into the waters of the state.

13 2. It shall be unlawful for any person to [build, erect, alter, replace,] operate, use or  
14 maintain any water contaminant or point source in this state that is subject to standards, rules or  
15 regulations promulgated pursuant to the provisions of sections 644.006 to 644.141 unless such  
16 person holds [a] **an operating** permit from the commission, subject to such exceptions as the  
17 commission may prescribe by rule or regulation. However, no permit shall be required of any  
18 person for any emission into publicly owned treatment facilities or into publicly owned sewer  
19 systems tributary to publicly owned treatment works.

20 3. [Every proposed water contaminant or point source which, when constructed or  
21 installed or established, will be subject to any federal water pollution control act or sections  
22 644.006 to 644.141 or regulations promulgated pursuant to the provisions of such act shall make  
23 application to the director for a permit at least thirty days prior to the initiation of construction  
24 or installation or establishment. Every water contaminant or point source in existence when  
25 regulations or sections 644.006 to 644.141 become effective shall make application to the  
26 director for a permit within sixty days after the regulations or sections 644.006 to 644.141  
27 become effective, whichever shall be earlier. The director shall promptly investigate each  
28 application, which investigation shall include such hearings and notice, and consideration of such  
29 comments and recommendations as required by sections 644.006 to 644.141 and any federal  
30 water pollution control act. If the director determines that the source meets or will meet the  
31 requirements of sections 644.006 to 644.141 and the regulations promulgated pursuant thereto,  
32 the director shall issue a permit with such conditions as he or she deems necessary to ensure that  
33 the source will meet the requirements of sections 644.006 to 644.141 and any federal water  
34 pollution control act as it applies to sources in this state. If the director determines that the  
35 source does not meet or will not meet the requirements of either act and the regulations pursuant  
36 thereto, the director shall deny the permit pursuant to the applicable act and issue any notices  
37 required by sections 644.006 to 644.141 and any federal water pollution control act] **It shall be**  
38 **unlawful for any person to construct, build, replace or make major modification to any**  
39 **point source that is principally designed to discharge human sewage to waters of the state,**  
40 **unless such person obtains a construction permit from the commission, subject to such**  
41 **exceptions as the commission may prescribe by rule or regulation. In addition, any point**  
42 **source that proposes to construct an earthen storage structure to hold, convey, contain,**  
43 **store or treat domestic, agricultural, or industrial process wastewater also shall be subject**  
44 **to the construction permit provisions of this subsection. All other construction-related**  
45 **activities at point sources shall be exempt from the construction permit requirement but**  
46 **are subject to the following conditions:**

47           **(1) Any point source system designed to hold, convey, contain, store or treat**  
48 **domestic, agricultural or industrial process wastewater shall be designed by a professional**  
49 **engineer registered in Missouri in accordance with the commission's design rules;**

50           **(2) Such point source system shall be constructed in accordance with the registered**  
51 **professional engineer's design and plans; and**

52           **(3) Such point source system may receive a post-construction site inspection by the**  
53 **department prior to receiving operating permit approval. A site inspection may be**  
54 **performed by the department, upon receipt of a complete operating permit application or**  
55 **submission of an engineer's statement of work complete.**

56           4. Before issuing [a permit to build or enlarge a water contaminant or point source or  
57 reissuing any permit] **any permit required by this section**, the director shall issue such notices,  
58 conduct such hearings, and consider such factors, comments and recommendations as required  
59 by sections 644.006 to 644.141 or any federal water pollution control act. The director shall  
60 determine if any state or any provisions of any federal water pollution control act the state is  
61 required to enforce, any state or federal effluent limitations or regulations, water quality-related  
62 effluent limitations, national standards of performance, toxic and pretreatment standards, or  
63 water quality standards which apply to the source, or any such standards in the vicinity of the  
64 source, are being exceeded, and shall determine the impact on such water quality standards from  
65 the source. The director, in order to effectuate the purposes of sections 644.006 to 644.141, shall  
66 deny a permit if the source will violate any such acts, regulations, limitations or standards or will  
67 appreciably affect the water quality standards or the water quality standards are being  
68 substantially exceeded, unless the permit is issued with such conditions as to make the source  
69 comply with such requirements within an acceptable time schedule.

70           5. The director shall grant or deny the permit within sixty days after all requirements of  
71 the Federal Water Pollution Control Act concerning issuance of permits have been satisfied  
72 unless the application does not require any permit pursuant to any federal water pollution control  
73 act. The director or the commission may require the applicant to provide and maintain such  
74 facilities or to conduct such tests and monitor effluents as necessary to determine the nature,  
75 extent, quantity or degree of water contaminant discharged or released from the source, establish  
76 and maintain records and make reports regarding such determination.

77           6. The director shall promptly notify the applicant in writing of his or her action and if  
78 the permit is denied state the reasons therefor. The applicant may appeal to the commission from  
79 the denial of a permit or from any condition in any permit by filing notice of appeal with the  
80 commission within thirty days of the notice of denial or issuance of the permit. After a final  
81 action is taken on a new or reissued general permit, a potential applicant for the general permit  
82 who can demonstrate that he or she is or may be adversely affected by any permit term or  
83 condition may appeal the terms and conditions of the general permit within thirty days of the  
84 department's issuance of the general permit. In no event shall a permit constitute permission to  
85 violate the law or any standard, rule or regulation promulgated pursuant thereto.

86           7. In any hearing held pursuant to this section that involves a permit, license, or  
87 registration, the burden of proof is on the party specified in section 640.012. Any decision of the  
88 commission made pursuant to a hearing held pursuant to this section is subject to judicial review  
89 as provided in section 644.071.

90           8. In any event, no permit issued pursuant to this section shall be issued if properly  
91 objected to by the federal government or any agency authorized to object pursuant to any federal  
92 water pollution control act unless the application does not require any permit pursuant to any  
93 federal water pollution control act.

94           9. Permits may be modified, reissued, or terminated at the request of the permittee. All  
95 requests shall be in writing and shall contain facts or reasons supporting the request.

96           10. No manufacturing or processing plant or operating location shall be required to pay  
97 more than one operating fee. Operating permits shall be issued for a period not to exceed five  
98 years after date of issuance, except that general permits shall be issued for a five-year period, and  
99 also except that neither a construction nor an annual permit shall be required for a single  
100 residence's waste treatment facilities. Applications for renewal of a site-specific operating permit  
101 shall be filed at least one hundred eighty days prior to the expiration of the existing permit.  
102 Applications seeking to renew coverage under a general permit shall be submitted at least thirty  
103 days prior to the expiration of the general permit, unless the permittee has been notified by the  
104 director that an earlier application must be made. General permits may be applied for and issued  
105 electronically once made available by the director.

106           11. Every permit issued to municipal or any publicly owned treatment works or facility  
107 shall require the permittee to provide the clean water commission with adequate notice of any  
108 substantial new introductions of water contaminants or pollutants into such works or facility  
109 from any source for which such notice is required by sections 644.006 to 644.141 or any federal  
110 water pollution control act. Such permit shall also require the permittee to notify the clean water  
111 commission of any substantial change in volume or character of water contaminants or pollutants  
112 being introduced into its treatment works or facility by a source which was introducing water  
113 contaminants or pollutants into its works at the time of issuance of the permit. Notice must  
114 describe the quality and quantity of effluent being introduced or to be introduced into such works  
115 or facility by a source which was introducing water contaminants or pollutants into its works at  
116 the time of issuance of the permit. Notice must describe the quality and quantity of effluent  
117 being introduced or to be introduced into such works or facility and the anticipated impact of  
118 such introduction on the quality or quantity of effluent to be released from such works or facility  
119 into waters of the state.

120           12. The director or the commission may require the filing or posting of a bond as a  
121 condition for the issuance of permits for construction of temporary or future water treatment  
122 facilities or facilities that utilize innovative technology for wastewater treatment in an amount  
123 determined by the commission to be sufficient to ensure compliance with all provisions of  
124 sections 644.006 to 644.141, and any rules or regulations of the commission and any condition

125 as to such construction in the permit. For the purposes of this section, "innovative technology  
126 for wastewater treatment" shall mean a completely new and generally unproven technology in  
127 the type or method of its application that bench testing or theory suggest has environmental,  
128 efficiency, and cost benefits beyond the standard technologies. No bond shall be required for  
129 designs approved by any federal agency or environmental regulatory agency of another state.  
130 The bond shall be signed by the applicant as principal, and by a corporate surety licensed to do  
131 business in the state of Missouri and approved by the commission. The bond shall remain in  
132 effect until the terms and conditions of the permit are met and the provisions of sections 644.006  
133 to 644.141 and rules and regulations promulgated pursuant thereto are complied with.

134 13. (1) The department shall issue or deny applications for construction and site-specific  
135 operating permits received after January 1, 2001, within one hundred eighty days of the  
136 department's receipt of an application. For general construction and operating permit  
137 applications received after January 1, 2001, that do not require a public participation process, the  
138 department shall issue or deny the permits within sixty days of the department's receipt of an  
139 application. For an application seeking coverage under a renewed general permit that does not  
140 require an individual public participation process, the director shall issue or deny the permit  
141 within sixty days of the director's receipt of the application, or upon issuance of the general  
142 permit, whichever is later. In regard to an application seeking coverage under an initial general  
143 permit that does not require an individual public participation process, the director shall issue  
144 or deny the permit within sixty days of the department's receipt of the application. For an  
145 application seeking coverage under a renewed general permit that requires an individual public  
146 participation process, the director shall issue or deny the permit within ninety days of the  
147 director's receipt of the application, or upon issuance of the general permit, whichever is later.  
148 In regard to an application for an initial general permit that requires an individual public  
149 participation process, the director shall issue or deny the permit within ninety days of the  
150 director's receipt of the application.

151 (2) If the department fails to issue or deny with good cause a construction or operating  
152 permit application within the time frames established in subdivision (1) of this subsection, the  
153 department shall refund the full amount of the initial application fee within forty-five days of  
154 failure to meet the established time frame. If the department fails to refund the application fee  
155 within forty-five days, the refund amount shall accrue interest at a rate established pursuant to  
156 section 32.065.

157 (3) Permit fee disputes may be appealed to the commission within thirty days of the date  
158 established in subdivision (2) of this subsection. If the applicant prevails in a permit fee dispute  
159 appealed to the commission, the commission may order the director to refund the applicant's  
160 permit fee plus interest and reasonable attorney's fees as provided in sections 536.085 and  
161 536.087. A refund of the initial application or annual fee does not waive the applicant's  
162 responsibility to pay any annual fees due each year following issuance of a permit.

(4) No later than December 31, 2001, the commission shall promulgate regulations defining shorter review time periods than the time frames established in subdivision (1) of this subsection, when appropriate, for different classes of construction and operating permits. In no case shall commission regulations adopt permit review times that exceed the time frames established in subdivision (1) of this subsection. The department's failure to comply with the commission's permit review time periods shall result in a refund of said permit fees as set forth in subdivision (2) of this subsection. On a semiannual basis, the department shall submit to the commission a report which describes the different classes of permits and reports on the number of days it took the department to issue each permit from the date of receipt of the application and show averages for each different class of permits.

(5) During the department's technical review of the application, the department may request the applicant submit supplemental or additional information necessary for adequate permit review. The department's technical review letter shall contain a sufficient description of the type of additional information needed to comply with the application requirements.

(6) Nothing in this subsection shall be interpreted to mean that inaction on a permit application shall be grounds to violate any provisions of sections 644.006 to 644.141 or any rules promulgated pursuant to sections 644.006 to 644.141.

14. The department shall respond to all requests for individual certification under Section 401 of the Federal Clean Water Act within the lesser of sixty days or the allowed response period established pursuant to applicable federal regulations without request for an extension period unless such extension is determined by the commission to be necessary to evaluate significant impacts on water quality standards and the commission establishes a timetable for completion of such evaluation in a period of no more than one hundred eighty days.

15. All permit fees generated pursuant to this chapter shall not be used for the development or expansion of total maximum daily loads studies on either the Missouri or Mississippi rivers.

16. The department shall implement permit shield provisions equivalent to the permit shield provisions implemented by the U.S. Environmental Protection Agency pursuant to the Clean Water Act, Section 402(k), 33 U.S.C. 1342(k), and its implementing regulations, for permits issued pursuant to chapter 644.

17. Prior to the development of a new general permit or reissuance of a general permit for aquaculture, land disturbance requiring a storm water permit, or reissuance of a general permit under which fifty or more permits were issued under a general permit during the immediately preceding five-year period for a designated category of water contaminant sources, the director shall implement a public participation process complying with the following minimum requirements:

(1) For a new general permit or reissuance of a general permit, a general permit template shall be developed for which comments shall be sought from permittees and other interested persons prior to issuance of the general permit;

(2) The director shall publish notice of his intent to issue a new general permit or reissue a general permit by posting notice on the department's website at least one hundred eighty days before the proposed effective date of the general permit;

(3) The director shall hold a public informational meeting to provide information on anticipated permit conditions and requirements and to receive informal comments from permittees and other interested persons. The director shall include notice of the public informational meeting with the notice of intent to issue a new general permit or reissue a general permit under subdivision (2) of this subsection. The notice of the public informational meeting, including the date, time and location, shall be posted on the department's website at least thirty days in advance of the public meeting. If the meeting is being held for reissuance of a general permit, notice shall also be made by electronic mail to all permittees holding the current general permit which is expiring. Notice to current permittees shall be made at least twenty days prior to the public meeting;

(4) The director shall hold a thirty-day public comment period to receive comments on the general permit template with the thirty-day comment period expiring at least sixty days prior to the effective date of the general permit. Scanned copies of the comments received during the public comment period shall be posted on the department's website within five business days after close of the public comment period;

(5) A revised draft of a general permit template and the director's response to comments submitted during the public comment period shall be posted on the department's website at least forty-five days prior to issuance of the general permit. At least forty-five days prior to issuance of the general permit the department shall notify all persons who submitted comments to the department that these documents have been posted to the department's website;

(6) Upon issuance of a new or renewed general permit, the general permit shall be posted to the department's website.

18. Notices required to be made by the department pursuant to subsection 17 of this section may be made by electronic mail. The department shall not be required to make notice to any permittee or other person who has not provided a current electronic mail address to the department. In the event the department chooses to make material modifications to the general permit before its expiration, the department shall follow the public participation process described in subsection 17 of this section.

19. The provisions of subsection 17 of this section shall become effective beginning January 1, 2013.

**644.057. The director of the department of natural resources may conduct a comprehensive review of the clean water fee structure set forth in sections 644.052 and 644.053. The comprehensive review shall include stakeholder meetings in order to solicit stakeholder input from each of the following groups: agriculture, industry, municipalities, public and private wastewater facilities, and the development community. Upon completion of the comprehensive review, the department shall submit proposed changes**

7 to the fee structure to the clean water commission. The commission shall, upon receiving  
8 the department's recommendations, review such recommendations at the forthcoming  
9 regular or special meeting under subsection 3 of section 644.021. The commission shall not  
10 take a vote on the clean water fee structure recommendations until the following regular  
11 or special meeting. If the commission approves, by vote, the clean water fee structure  
12 recommendations, the commission shall promulgate by regulation and publish the  
13 recommended clean water fee structure by December thirty-first of the same year  
14 beginning December 31, 2013. If such rules are not disapproved by the general assembly  
15 in the manner set out below, they shall take effect on January first of the next odd-  
16 numbered year. Any regulation promulgated under this subsection shall be deemed to be  
17 beyond the scope and authority provided in this subsection, or detrimental to permit  
18 applicants, if the general assembly, within the first sixty calendar days of the regular  
19 session immediately following the promulgation of such regulation, by concurrent  
20 resolution, shall disapprove the fee structure contained in such regulation. If the general  
21 assembly so disapproves any regulation promulgated under this subsection, the clean water  
22 commission shall continue to use the fee structure set forth in the most recent preceding  
23 regulation promulgated under this subsection.

644.062. 1. The director may grant provisional variances whenever it is  
2 determined, upon application of adequate proof, that compliance on a short-term basis  
3 with the limitations prescribed in sections 644.006 to 644.141, or rule, standard,  
4 requirement, limitation or order of the director adopted thereto due to conditions beyond  
5 reasonable control such as extended elevated temperatures or extreme drought conditions  
6 will result in an arbitrary or unreasonable hardship that exists solely because of the  
7 regulatory requirement in question and the costs of compliance are substantial and certain.  
8 If the hardship complained of consists solely of the need for a reasonable delay in which  
9 to correct a violation of sections 644.006 to 644.141, or rule, standard, requirement,  
10 limitation or order of the director, the director shall condition the grant of such variance  
11 upon the posting of sufficient performance bond or other security to assure the completion  
12 of the work covered by the variance. In granting such provisional variance, the director  
13 shall consider the hardship imposed by requiring compliance on a short-term basis and  
14 adverse impacts that may result from granting the provisional variance. The director shall  
15 exercise wide discretion in weighing the equities involved and the advantages and  
16 disadvantages to the applicant and to those affected by water contaminants emitted by the  
17 applicant.

18 2. Any provisional variance granted by the director under this section shall be for  
19 a period not to exceed forty-five days. A provisional variance may be extended by the  
20 director up to an additional forty-five days, but in no event longer than ninety days in one  
21 calendar year.



22           **3. Any person seeking a provisional variance shall file a petition for a variance with**  
23 **the director describing the conditions or circumstances giving rise to the request for relief.**  
24 **There shall be a two hundred fifty dollar filing fee payable to the state of Missouri with**  
25 **each petition for provisional variance. The director shall promptly investigate the petition**  
26 **and shall take action within fourteen days of the request. If the director denies the**  
27 **petition, the person may initiate a proceeding under section 644.061. The director may**  
28 **condition any provisional variance as sections 644.006 to 644.141, or rule, standard,**  
29 **requirement, limitation or order of the director may require.**

30           **4. If the director grants a provisional variance under this section, he or she shall**  
31 **promptly notify the petitioner and shall file a copy of the written decision with the**  
32 **commission. The commission must maintain, for public inspection, copies of all provisional**  
33 **variances filed with it by the director.**

**Section 1. 1. Upon public notice, the division of state parks shall once each year**  
2 **hold a stakeholder meeting in each park district.**

3           **2. A stakeholder may petition the director of state parks regarding any policy or**  
4 **park issue that has been presented to the relevant facility manager and district supervisor.**  
5 **The director or his designee shall respond to the stakeholder within fourteen days and may**  
6 **schedule a stakeholder meeting to help determine what action is warranted in response to**  
7 **the petition. Whether the response is that no action is warranted or that specific action will**  
8 **be undertaken, the director shall so notify the stakeholder in writing within thirty days.**  
9 **The decision of the director shall be final and not subject to review.**

10           **3. For purposes of this section, “stakeholder” shall mean any person with an**  
11 **interest in the subject matter of the petition who has visited the park in the past sixty days.**

**Section 2. The department of natural resources shall, by December 1, 2013, and**  
2 **annually thereafter, develop a list of all documents the department uses in determining the**  
3 **issuance and conditions of environmental permits, certifications, or modifications under**  
4 **state statute or authority delegated by other state or federal agencies. The list and all**  
5 **documents referenced shall be provided to the joint committee on administrative rules for**  
6 **the purpose of a review, in consultation with the department, to determine if the documents**  
7 **are statements of general applicability that implement, interpret, or prescribe law or policy**  
8 **that should be subject to the rulemaking process prescribed in chapter 536.**

**Section 3. The provisions of section 444.771 shall not apply to any business entity**  
2 **located in any county of the first classification with more than seventy thousand but fewer**  
3 **than eighty-three thousand inhabitants and with a city of the fourth classification with**  
4 **more than thirteen thousand five hundred but fewer than sixteen thousand inhabitants as**  
5 **the county seat.**

          [260.379. 1. The department of natural resources shall not issue a permit  
2 to any person for the operation of any facility or issue any license to any person  
3 under the authority of sections 260.350 to 260.434, if such person has had three  
4 or more convictions, which convictions occurred after July 9, 1990, and within

5 any five-year period within the courts of the United States or of any state except  
6 Missouri or had two or more convictions within a Missouri court after July 9,  
7 1990, and within any five-year period, for any crimes or criminal acts, an element  
8 of which involves restraint of trade, price-fixing, intimidation of the customers  
9 of any person or for engaging in any other acts which may have the effect of  
10 restraining or limiting competition concerning activities regulated under this  
11 chapter or similar laws of other states or the federal government; except that  
12 convictions for violations by entities purchased or acquired by an applicant or  
13 permittee which occurred prior to the purchase or acquisition shall not be  
14 included. For the purpose of this section, the term "person" shall include any  
15 business organization or entity, successor corporation, partnership or subsidiary  
16 of any business organization or entity, and the owners and officers thereof, or the  
17 entity submitting the application.

18 2. The director shall suspend, revoke or not renew the permit or license  
19 of any person issued pursuant to sections 260.350 to 260.434, if such person has  
20 had two or more convictions in any court of the United States or of any state  
21 other than Missouri or two or more convictions within a Missouri court for  
22 crimes as specified herein if such conviction occurred after July 9, 1990, and  
23 within any five-year period.

24 3. Any person applying for a permit or license under sections 260.350 to  
25 260.434 shall notify the director of any conviction for any act which would have  
26 the effect of limiting competition. Any person with a permit or license shall  
27 notify the department of any such conviction within thirty days of the conviction  
28 or plea. Failure to notify the director is a class D felony and subject to a fine of  
29 one thousand dollars per day for each day unreported.

30 4. Provided that after a period of five years after a permit has been  
31 revoked under the provisions of this section, the person, firm or corporation  
32 affected may apply for rehabilitation and reinstatement to the director of the  
33 department. The department shall promulgate the necessary rules and regulations  
34 for rehabilitation and reinstatement. The time period for same shall not exceed  
35 five years.]

36

2 [260.434. 1. The department shall assess the transportation system  
3 serving a proposed site for a new hazardous waste resource recovery, treatment  
4 or disposal facility as a part of its review of the application for a permit. The  
5 department shall examine the transportation route or routes to ensure that the  
6 design and maintenance of such route or routes provides adequate safety for the  
7 public using or living near the route or routes. The department may designate or  
8 prohibit specific routes, limit use of approved routes during certain time periods  
9 or impose other reasonable restrictions upon the transportation of hazardous  
10 waste to or from the facility.

11 2. The department shall review the capability of local governments near  
12 a proposed site to respond to an emergency involving the transportation of  
13 hazardous waste or an emergency at the hazardous waste resource recovery,  
14 treatment or disposal facility when it reviews an application for a permit. The  
15 department shall reassess that capability whenever the operator proposes  
recovering, treating or disposing of a hazardous waste which is substantially more

16 toxic, corrosive, ignitable or reactive than those wastes approved under the  
17 current permit. The department may require the operator to provide supplemental  
18 emergency response capability to ensure public safety.

19 3. The department shall enter into an interagency agreement with the  
20 department of transportation and the department of public safety to permit the  
21 sharing of information and to assign responsibility for performing the assessment  
22 required in this section.]  
23

Section B. Because immediate action is necessary to ensure an operational clean water  
2 fee structure, the enactment of section 644.057 of this act is deemed necessary for the immediate  
3 preservation of the public health, welfare, peace and safety, and is hereby declared to be an  
4 emergency act within the meaning of the constitution, and the enactment of section 644.057 of  
5 this act shall be in full force and effect upon its passage and approval.

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